

ACTS
OF THE
LEGISLATURE
OF
WEST VIRGINIA;
AT ITS
SESSION COMMENCING

JANUARY 18, 1870.



WHEELING:
JOHN FREW, PUBLIC PRINTER.

1870.

A C T S .

CHAPTER 1.—An Act to alter the terms of the Circuit Courts in the Tenth Circuit.

Passed January 20, 1870.

Be it enacted by the Legislature of West Virginia :

The commencement of the terms of the circuit courts in Terms of court in the several counties of the tenth circuit, instead of being as heretofore prescribed by law, shall be as follows :

For the county of Jackson, on the first day of March, Jackson. August, and November.

For the county of Roane, on the first day of April, and on Roane. the tenth day of August and November.

For the county of Gilmer, on the eighth day of April, and Gilmer. the eighteenth of August and November.

For the county of Calhoun, on the fifteenth day of April, Calhoun. and the twenty-fifth day of August and November.

CHAPTER 2.—An ACT to incorporate the Shenandoah Bridge Company.

Passed January 26, 1870.

Be it enacted by the Legislature of West Virginia :

1. That John Neer, Lewis Washington, James T. Reed, Corporators. Thomas A. Kirwan, James Watson, and Charles L. Hopwood, of Harper's Ferry, in the county of Jefferson, or any three of them respectively, at the place and in the county aforesaid, are hereby appointed and authorized to open books of subscription to the capital stock of a company to be called "The Shenandoah Bridge Company," which is authorized to con- Style of company struct a toll bridge over the Shenandoah river, at Harper's Ferry aforesaid, in the county aforesaid ; said bridge to be constructed sufficiently high so as not to interfere with the Construction of bridge. navigation of said river.

Capital stock.

2. The capital stock of said company shall be not exceeding ten thousand dollars, and be divided into shares of twenty-five dollars each, to be paid in such assessments and at such times as the board of directors may direct. Subscriptions may be paid in labor or service, or with materials furnished for the construction of said bridge, under a special agreement in writing, entered into to that effect with the directors of said company, or with their representatives.

How subscriptions paid.**Elections of directors and president.**

3. The said company may hold an election on the second Tuesday of April next, and on the same day in each year thereafter, for the election of five directors of the said company, who shall within ten days thereafter choose one of their own body as president. The said president and directors shall remain in office one year, or until their successors are appointed. The stockholders of the said company shall be entitled at any such meeting or election, either in person or by proxy, to cast one vote for each share of the stock held by them, and each of them, in the said company.

How stock voted.**Rates of toll.**

4. The said company may erect a gate upon said bridge and collect tolls, not exceeding the following rates for each passenger, viz: three cents for each foot passenger, round trip five cents; eight cents for each horse, mare, mule, or gelding, round trip fifteen cents; fifteen cents for each one horse carriage, round trip twenty-five cents; twenty cents for each two horse carriage, round trip thirty-five cents; twelve cents for each one horse wagon, round trip twenty cents; fifteen cents for each two horse wagon, round trip twenty-five cents; twenty-five cents for each four horse wagon, round trip forty cents; and five cents for each additional horse; ten cents for twenty sheep or hogs; and fifteen cents for twenty cattle; and so in proportion for any greater number; provided, that all coaches, carriages, horses, or foot passengers attending funerals shall be exempt from all toll whatever. Said tolls shall first be applied to keeping the said bridge in good repair before any dividend shall be declared to stockholders.

Application of tolls.**Subscription by Jefferson county.**

5. The supervisors of Jefferson county are hereby empowered to subscribe to the capital stock of said company, either in money or by issuing county bonds, to an amount not exceeding two thousand five hundred dollars.

6. The Legislature reserves the right to alter, amend, or repeal this act. Act may be amended.

CHAPTER 3.—An ACT confirming and amending the charter of the Chesapeake and Ohio Railroad Company.

Passed January 26, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the contract, dated August thirty-first, eighteen hundred and sixty-eight, made by commissioners of Virginia and West Virginia, with the Virginia Central Railroad Company, by which the Chesapeake and Ohio Railroad Company was formed, and under which it has been organized, be and the same is hereby approved, ratified, and confirmed as follows:

(Contract under which company was formed confirmed.)

Contract with Commissioners for completing the Covington and Ohio Railroad.

The parties to the contract are :

First. The commissioners of the state of Virginia, under the following acts of the General Assembly, viz: 1st, "An act to incorporate the Covington and Ohio Railroad Company," passed February twenty-sixth, eighteen hundred and sixty-six. 2nd, "An act to provide for the completion of a line or lines of railroad from the waters of the Chesapeake to the Ohio river," passed March first, eighteen hundred and sixty-seven.

Parties to the contract
Virginia commissioners.
Virginia legislation.

Second. The commissioners of the state of West Virginia, under the following acts of the Legislature, viz: 1st, "An act to incorporate the Covington and Ohio Railroad Company," passed March first, eighteen hundred and sixty-six. 2d, "An act to provide for the completion of a line or lines of railroad from the waters of the Chesapeake to the Ohio river," passed February twenty-sixth, eighteen hundred and sixty-seven. 3rd, "An act to amend and re-enact the fifteenth section of an act providing for the completion of a line or lines of railroad from the waters of the Chesapeake to the Ohio river, passed February twenty-sixth, eighteen hundred and sixty-seven," passed February sixth, eighteen hundred and sixty-eight.

West Virginia commissioners.
West Virginia legislation.

Third. The Virginia Central Railroad Company :

The said commissioners of Virginia and West Virginia, by virtue of the authority given them by the statutes already

Virginia Central R. R. Co.

Contract for construction of road.

referred to, and in order to secure the speediest and best construction, equipment, and operation of the said railroad from Covington to the Ohio river, according to the true intent and meaning of the said statutes, have contracted therefor with the said Virginia Central Railroad Company as the party giving the best terms and the most satisfactory assurances of having the capital, capacity and responsibility contemplated and required by the said statutes, and have introduced into the said contract the following additional stipulation, proposed by the stockholders of the said Virginia Central Railroad Company in general meeting on the twenty-ninth day of November, eighteen hundred and sixty-seven, and accepted by the said commissioners as being for the benefit of their respective states and in furtherance of the purposes declared by the legislature aforesaid, viz :

Additional stipulations.

Commencement and completion of work.

I. The work to be commenced and completed in the time and manner provided in the charter.

Certain stock preferred and dividends guaranteed.

II. The company to guarantee four per cent semi-annual dividends upon any stock which may be subscribed for the construction of said road, after the completion of the road to the Ohio river, and in the meantime said stock shall be preferred in any dividends which shall be declared by the company, to an extent not exceeding four per cent semi-annually.

Authority to borrow money and secure its payment.

III. The company to borrow such sums of money at a rate of interest not exceeding eight per cent per annum, as may be necessary, in addition to the funds arising from stock subscriptions for the completion of said road, and to execute a lien on its property and resources to secure the payment of the principal and interest of such loans: Provided, that subscriptions may be received to be applied to the construction of the work continuously from either end of the line.

Authority to guarantee city and county bonds.

IV. The company may guarantee the payment of principal and interest of bonds of cities and counties, receivable in payment of subscription to stock.

Authority to receive such bonds in payment for stock.

V. That bonds of cities and counties at ninety cents on the dollar, and bearing eight per cent per annum interest, convertible into preferred stock, be received in payment of subscription to stock.

Creditors of Va. Central R. R. Co. to be protected,

VI. Nothing contained in any contract made by this company shall have the effect to deprive the present creditors of the company of their claims for satisfaction out of the present

property of the company, and it shall be the duty of the president and directors, before executing any further lien on the present property of the company, to secure by mortgage any portion of the funded or floating debt, not heretofore so received, that cannot be promptly paid off in the ordinary administration of the affairs of the company. and to be secured by mortgage.

And the said Virginia Central Railroad Company having undertaken and contracted to construct the said railroad, on the terms and conditions aforesaid, it is hereby declared and certified that the said company shall hereafter be known as "The Chesapeake and Ohio Railroad Company," and is entitled to all the benefits of the charter of the Covington and Ohio Railroad, and to all the rights, interests, and privileges which, by the statutes aforesaid, are conferred upon the Chesapeake and Ohio Railroad Company, when organized. Style of company. Its rights and privileges.

In testimony whereof, the commissioners of Virginia and West Virginia have set their hands and seals; and the said Virginia Central Railroad Company has caused the corporate seal of the company to be affixed, with the signature of Edward Fontaine, president of said company, this thirty-first day of August, eighteen hundred and sixty-eight.

JOHN B. BALDWIN, [L. s.]
 GEORGE W. BOLLING, [L. s.]
 THOMAS S. FLOURNOY, [L. s.]
 WM. J. ROBERTSON, [L. s.]

Commissioners of Virginia.

JAMES BURLEY, [L. s.]
 Z. D. RAMSDELL, [L. s.]
 JOEL MCPHERSON, [L. s.]
 JOHN S. CUNNINGHAM, [L. s.]

Commissioners of West Virginia.

E. FONTAINE,
President of the Va. Central Railroad Company.

2. That the Chesapeake and Ohio Railroad Company, formed and organized under said contract, shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided and declared in the said contract, and in the legislation of the states of Virginia and West Virginia, therein referred to; except only that the said company shall be allowed for the completion of the road from Charleston, in the county of Kanawha, to the mouth of San- Rights and privileges of company. Time allowed for completion of work.

dy, in the county of Wayne, the same time that is given by the charter for completing the other portions of the work within this state.

- Meetings.** 3. That the general meetings of the said company may be held at any station upon the line of the road, and meetings of the directory at such places as the by-laws may prescribe.
- Principal office.** 4. That upon the completion of the road, if the said company shall not deem it expedient to establish its principal office within this state, its place of business at or nearest Charleston, in the county of Kanawha, shall, for all purposes required by law, be deemed to be such principal office within this state. And, until such completion, all notices and legal process shall be sufficiently served upon the company if delivered in person to the president, vice-president, or any director of the company, whether in this state or elsewhere.
- Service of process.**

CHAPTER 4.—An ACT changing the time of holding the courts in the Third Judicial Circuit.

Passed February 1, 1870.

Be it enacted by the Legislature of West Virginia:

- Terms of courts in** 1. The terms of the circuit courts of the several counties composing the third judicial circuit shall hereafter commence as follows:
- Monongalia.** For the county of Monongalia, on the first Tuesday of March, September, and December;
- Taylor.** For the county of Taylor, on the fourth Tuesday of March and September, and third Tuesday of December;
- Tucker.** For the county of Tucker, on the second Tuesday of April, August, and November;
- Preston.** For the county of Preston, on the third Tuesday of April, August, and November.
- Commencement of act as to Taylor.** 2. This act shall not take effect, as to the county of Taylor, until the first day of April, eighteen hundred and seventy.

CHAPTER 5.—An ACT authorizing the Adjutant General to procure cases for the preservation of the war flags of the West Virginia Regiments.

Passed February 1, 1870.

Be it enacted by the Legislature of West Virginia :

1. The adjutant general is hereby authorized to procure cases, with glass fronts, for the preservation of the war flags of the West Virginia Regiments. Authority to procure cases.

2. The sum of fifty dollars, or so much thereof as is necessary for the purpose, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay for the same, and the adjutant general is hereby authorized to issue his warrant on the auditor for the said amount. \$50 appropriated.

CHAPTER 6.—An ACT fixing the times of commencement of terms of the Circuit Courts in the Eighth Judicial Circuit.

Passed February 2, 1870.

Be it enacted by the Legislature of West Virginia :

1. The terms of the circuit courts of the counties composing the eighth judicial circuit shall hereafter commence as follows: Terms of court in

For the county of Lewis, on the first day of March and May, and the third day of November; Lewis.

For the county of Upshur, on the seventeenth day of March, May, and October; Upshur.

For the county of Braxton, on the first day of April, June, and September; Braxton.

For the county of Clay, on the thirteenth day of April, June, and the fifteenth day of September; Clay.

For the county of Webster, on the twenty-second day of April and June, and the twenty-fourth day of September. Webster.

CHAPTER 7.—An ACT to authorize certain townships in the county of Monongalia to subscribe to the capital stock of the Uniontown and West Virginia Railroad Company.

Passed February 2, 1870.

Be it enacted by the Legislature of West Virginia:

Townships authorized to subscribe.

Clinton.
Morgan.
Union.

1. The townships on the east side of the Monongahela river, in the county of Monongalia, are hereby empowered and authorized to subscribe to the capital stock of the Uniontown and West Virginia railroad company, (duly chartered by the Legislature of Pennsylvania,) the following sums respectively, to-wit: the township of Clinton, twenty thousand dollars; the township of Morgan, sixty thousand dollars; and the township of Union, thirty thousand dollars; in the manner and upon the conditions hereinafter named.

Question of subscription to be submitted to voters.

Notice of elections.

2. The question of making said subscriptions shall be submitted to the legal voters of said townships, at an election to be held on the third Saturday of March, eighteen hundred and seventy, at the usual places of voting in said townships, and conducted in the same manner, and by the same officers, as provided by law for general elections; of which election not less than twenty days' notice shall be given in one or more newspapers published in said county.

Poll books.

Ballots.

Majority to determine.

Certificate and record of result.

3. Poll-books shall be provided by the election officers, in which the names of those voting shall be registered. Ballots shall be prepared, on which the wish of the voter shall be expressed by the words, "for the subscription," or "against the subscription," as the case may be, and a majority of the votes cast shall determine the question of subscription; which majority, with the number of votes cast for and against subscription, shall be certified to the board of supervisors of said county, who shall cause the same to be entered of record.

Subscription, if ordered, to be made by supervisor and clerk.

Proviso.

4. If at said election a majority of the votes cast in said townships or either of them, shall be for said subscription, then the said sum or sums shall be subscribed to the capital stock of said railroad company, on behalf of said township or townships, by the supervisor and clerk thereof; provided, however, that the amount so subscribed shall be expended by said company within said county.

Issue of township bonds.

5. To provide for the payment of any subscription made under this act, the supervisor and clerk of each of the town-

ships subscribing shall issue bonds, coupon or registered, under their official signatures and the seal of their township, payable within twenty years, and bearing not more than seven per centum per annum interest, and said bonds shall be exempt from taxation by townships or incorporated towns or villages.

Rate of interest.
Exemption from taxation.

6. It shall be the duty of the supervisor and clerk of each of the townships so subscribing, from time to time, to cause to be assessed and collected as other township taxes are assessed and collected, with like compensation and power to the officer collecting the same, taxes upon all property, real and personal, within their township, subject to taxation for state purposes, to an amount sufficient to provide for the payment of the principal and interest of said bonds within said time.

Assessment and collection of taxes to pay bonds

7. The voters of each township so subscribing shall elect at the regular township election one commissioner, who shall give bond in a penalty not exceeding five thousand dollars, conditioned for the faithful and honest discharge of his duties, to be approved by the supervisor and clerk of his township, and said commissioner shall represent the stock of said railroad company owned by the township, at all official meetings of the stockholders of said company.

Commissioner to vote township stock,

CHAPTER 8.—An ACT to prescribe the time of holding the Courts in the First Judicial Circuit.

Passed February 2, 1870.

Be it enacted by the Legislature of West Virginia :

The terms of the circuit court for the first judicial circuit, instead of the times now prescribed by law, shall be as follows:

Terms of courts in

For the county of Ohio, on the first Tuesday in March, Ohio, June, and November;

For the county of Hancock, on the second Tuesday in Hancock, April, September, and December;

For the county of Brooke, on the third Tuesday in April, Brooke, September, and December;

For the county of Marshall, on the first Tuesday in May, Marshall, October, and January.

CHAPTER 9.—An ACT refunding certain taxes to the estate of Eli Heaton, deceased, late sheriff of Ritchie county.

Passed February 3, 1870.

Be it enacted by the Legislature of West Virginia:

\$249.60 appropriated to refund certain taxes.

1. That the sum of two hundred and forty-nine dollars and sixty cents is hereby appropriated out of any money in the treasury, not otherwise appropriated, to refund to the estate of Eli Heaton, deceased, late sheriff of Ritchie county, one hundred and fifty dollars state taxes, and fifty dollars state school taxes, the amount assessed against the Baltimore and Ohio railroad company for the year eighteen hundred and sixty-five, and paid by the said Heaton, sheriff, into the treasury of the state, and which were afterwards paid into the treasury by said company under its compromise with the state, and to pay the interest on said sum from December fifteenth, eighteen hundred and sixty-five.

Auditor authorized to issue warrant.

2. The auditor is hereby directed to issue his warrant on the treasury for the said amount, to Thomas E. Davis, administrator of the said estate.

CHAPTER 10.—An ACT authorizing the Supervisors of Harrison county to order a road claim paid to George W. Teter.

Passed February 8, 1870.

Be it enacted by the Legislature of West Virginia:

Authority to order payment of claim.

The supervisors of Harrison county are hereby authorized to order the payment of a certain road claim to George W. Teter, if they think it expedient to do so.

CHAPTER 11.—An ACT authorizing the trustees of the Methodist Episcopal Church in Carroll township, Lincoln county, to sell and convey their church property.

Passed February 8, 1870.

Be it enacted by the Legislature of West Virginia:

Authority to sell.

The trustees of the Methodist Episcopal church in Carroll township, Lincoln county, are hereby authorized to sell and convey their church property, situated on Mud river, near the town of Hamlin, in said county.

CHAPTER 12.—An ACT to provide for selling a part of a church lot in Harrison county.

Passed February 4, 1870.

Be it enacted by the Legislature of West Virginia:

The board of trustees of the Methodist Episcopal church in West Milford circuit, located in Harrison county, West Virginia (the church being known as the Pattison chapel), are hereby authorized to sell a part of the lot on which the said church stands; that part lying on the east side and north end of said church building, and convey the same to the purchaser.

Authority to sell

Part of lot designated.

CHAPTER 13.—An ACT to amend the charter of the city of Parkersburg, in the county of Wood.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia:

1. The fifteenth, twenty-fifth, and thirty-second sections of an act entitled "An Act to reduce into one the several acts incorporating the city of Parkersburg, in the county of Wood." passed by the General Assembly of Virginia, March seventeenth, eighteen hundred and sixty, are hereby amended and re-enacted so as to read as follows:

Sections amended.

"15. The council shall have authority to levy and collect an annual tax on the real estate, personal property, and titheables in the said city, and upon all other subjects of taxation under the several laws of the state, including bank stocks, whether owned by persons residing within the limits of said city or not, gas companies, insurance companies, building associations loaning money, and other incorporated companies; provided, that said tax does not exceed one per centum of the assessed value of said property, or the sum of two dollars upon every titheable therein, and not exceeding, in other respects, the amounts for which the same subjects are taxed for state purposes; to impose a tax upon all licenses for which a tax is now or may hereafter be imposed for state purposes, in addition to the tax paid the state, which said taxes are to be for the use of said city. And the council shall have authority to subject any person or persons who, without having paid the tax imposed by the said council for

Authority of council
Levy and collection of taxes.
Subjects of taxation.

Limit to rate of taxation.

Taxes on licenses

Fine for default
in payment of
taxes.

the privilege, shall do any act, or follow any employment or business in the said city, upon which the council are or shall be authorized to impose a tax, to any fine or imprisonment which they are or may be authorized to impose or inflict for the enforcement of their ordinances."

Authority of
council to grant
licenses,

"25. The council shall have authority, within said city, to grant all such licenses as are authorized by the first and second sections of chapter thirty-two of the Code of West Virginia, where the act, occupation, or business for which such state license is necessary to be done or carried on in said city, and to establish an assize of bread and other things; to establish and regulate markets in and for said city; to prescribe the time and places for holding the same, and what articles shall be sold only in said markets during market hours; to provide suitable buildings for said markets, and to regulate the renting of stalls therein and the rents thereon, and to ordain and enforce such regulations respecting the said markets as, in their opinion, the convenience or interests of the inhabitants of said city may require. They shall further have power to ordain and enforce such regulations as shall be necessary or proper to prevent forestalling or regrating."

Establish and
regulate mar-
kets,

and prevent
forestalling and
regrating.

Recorder; his
election, powers
and jurisdiction.

"32. The said council shall, annually, elect a recorder of said city, who shall be a conservator of the peace therein, and have and exercise therein all the criminal and police powers and duties which a justice of the said county of Wood may legally exercise. He shall have exclusive original jurisdiction to hear and determine all complaints for violation of the laws or ordinances of said city. He shall issue his warrant to summon or apprehend the persons charged therewith; and to impose such penalty and punishments as are prescribed by said laws and ordinances. He shall have exclusive and original jurisdiction to hear and determine all actions for money claimed by or from said city, when the amount does not exceed one hundred dollars. And in the event the said recorder of said city is, from any cause, disabled from acting, the mayor may, in his place and stead, exercise all the powers of recorder of said city. Provided, that in all cases where a fine is imposed or a judgment rendered for an amount exceeding ten dollars, or the party is imprisoned for a term greater than ten days, an appeal may be taken from any

If recorder un-
able, mayor may
act.

Appeal from re-
corder.

such decision upon the same terms and conditions that appeals are taken from the judgment of a justice."

2. The aforesaid act is hereby further amended by adding at the end thereof the following:

"39. The said city, and the taxable persons and property therein, shall be exempt from the payment of any poor tax, and from contributing for any county expenses for the poor, for any year in which said city shall, at its own expense, provide for its own poor." Exemption from poor tax.

"40. The city infirmary and hospital and grounds are hereby exempted from all state, county and township taxation." Certain property exempted from taxation.

"41. The election for mayor and council for said city shall be held annually, on the Saturday after the first Monday in each year, and their term of office shall commence on the third Monday of January in each year, and shall continue for one year, or until their successors shall be elected and qualified." Annual election. Terms of office.

"42. The council shall have power to fix upon the places of voting in said city for all city elections, and to alter and change the same, as they may deem best for the convenience of the voters thereof." Places of voting.

"43. No person shall be allowed to vote at any election held for said city who shall not have actually paid all assessments and taxes due from him to said city for any year prior to said election." Persons not to vote unless taxes paid.

"44. Power is hereby given to said mayor and city council to pass all necessary laws and ordinances, to carry into effect the provisions of this act, and to enforce the faithful performance of the same." Ordinances.

"45. All acts and parts of acts in conflict with the provisions of this act are hereby repealed." Inconsistent acts repealed.

CHAPTER 14.—An ACT to amend and re-enact section 32 of chapter 45 of the Code of West Virginia.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia :

Section amended. Section thirty-two of chapter forty-five of the code of West Virginia is hereby amended and re-enacted so as to read as follows :

Oath prescribed for teachers. “ 32. Every teacher shall, before entering on his duties, take an oath to support the constitution and laws of the United States and of this state, and to faithfully discharge his duties as such teacher to the best of his ability. Said oath may be administered by the county superintendent, or by any other person authorized to administer oaths.”

CHAPTER 15.—An ACT to amend and re-enact section 3, chapter 119, Code of West Virginia.

Passed February 7, 1870.

Preamble. WHEREAS, Among other measures for the protection and safety of the loyal people of this state, the legislature, on the fourteenth day of February, eighteen hundred and sixty-six, wisely and justly passed an act, entitled “ An Act in relation to the oaths of attorneys-at-law,” the provisions of which act have been incorporated into section three, chapter one hundred and nineteen, of the code of West Virginia ; and, whereas, from frequent evasions of the law, and from a change of circumstances since the passage thereof, the same has become, in a great measure, inoperative and of little use ; therefore,

Be it enacted by the Legislature of West Virginia :

Section amended. Section three of chapter one hundred and nineteen of the code of West Virginia is hereby amended and re-enacted so as to read as follows :

Oaths prescribed for attorneys-at-law. “ 3. Every attorney-at-law shall, before each court in which he proposes to practice, take the following oath, that is to say : If he be a resident of this state, an oath to support the constitution of the United States and the constitution of the state of West Virginia, and to honestly demean himself in the practice of the law, and to the best of his ability execute his office of attorney-at-law ; and if he be not a resident of

this state, an oath to support the constitution of the United States, and to honestly demean himself in the practice of the law, and to the best of his ability execute his office of attorney-at-law.”

CHAPTER 16.—An ACT amending section 8 of chapter 135 of the Code, relating to docket of the Supreme Court.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia :

That the eighth section of chapter one hundred and thirty-five of the code of West Virginia is amended and re-enacted so as to read as follows :

“8. It shall be the duty of the clerk to classify and arrange the cases according to the several judicial circuits of the state, so that the causes from each circuit shall together constitute a separate class; and upon the filing of the records hereinbefore mentioned, he shall docket the appeal in its appropriate class, in the order in which the records are filed; of which classification and arrangement of the docket the clerk shall give notice for four successive weeks, in two newspapers published at the seat of government of the state, prior to the first day of each session of the court; for the costs of which said publications he shall draw upon the auditor for payment.”

Docket to be arranged by circuit.

Order of docketing appeals.

Arrangement of docket to be published.

CHAPTER 17.—An ACT to extend the time for paying claims named in chapter 116, acts of 1867.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia :

That the governor be authorized to continue the payment of claims appropriated for by chapter one hundred and sixteen, acts of eighteen hundred and sixty-seven, until the thirtieth day of September, eighteen hundred and seventy.

Time extended until September 1, 1870.

CHAPTER 18.—An ACT to authorize the trustees of the Disciples' Church, in West Liberty, to sell their church.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia :

Sale authorized.

1. The trustees of the Disciples' church of West Liberty, in Ohio county, are authorized to sell their church, the Disciples' church, and lot, located in said town of West Liberty, and convey ~~the~~ same.

How proceeds to be applied.

2. The money arising from the sale of said church to be expended in erecting another church in said town of West Liberty, for the use and benefit of said Disciples' church.

CHAPTER 19—An ACT granting the consent of the state of West Virginia to the purchase, by the United States, of certain lands for the purpose of erecting thereon a building for the accommodation of the Custom House, Post-Office, United States Courts, and Internal Revenue offices, at Parkersburg, and ceding jurisdiction over the same.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia :

Consent to purchase by United States.

1. That the consent of the state of West Virginia is hereby given to the purchase, by the United States, of one or more pieces of land, situated in the city of Parkersburg, not exceeding one acre in quantity, on which to erect a building for the accommodation of the custom house, post-office, United States courts, and internal revenue offices, and the said United States shall have, hold, use, occupy, and own the said land or lands when purchased, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned.

Ownership and jurisdiction over land purchased.

Cession of jurisdiction to United States

2. The jurisdiction of the state of West Virginia in and over the said land or lands mentioned in the foregoing section, when purchased by the United States, shall be, and the same is hereby ceded to the United States; provided, however, that the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands.

to continue while lands are owned by United States.

3. The said consent is given, and the said jurisdiction ceded, upon the express condition that the state of West Virginia shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of West Virginia, against any person or persons charged with crimes or misdemeanors, committed within said state, may be executed therein in the same way and manner as if such consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

Concurrent jurisdiction retained by State,

except as to property of United States.

4. The jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the said land or lands by purchase or grant; and so long as the said land or lands shall remain the property of the United States, when acquired as aforesaid, and no longer, the same shall be and continue exonerated from all taxes, assessments or other charges which may be levied or imposed under the authority of this state.

Jurisdiction not to vest in United States until title acquired.

Land exonerated from taxes.

5. It is further enacted, that any malicious, willful, reckless, or voluntary injury to, or mutilation of the grounds, buildings, or appurtenances, shall subject the offender or offenders to a fine of not less than twenty dollars, to which may be added, for an aggravated offense, imprisonment not exceeding six months in the county jail or workhouse, to be prosecuted before any court of competent jurisdiction.

Punishment for injury to grounds or buildings.

CHAPTER 20.—An ACT to amend and re-enact sections 21 and 23 of chapter 116 of the Code of West Virginia, in relation to Juries.

Passed February 7, 1870.

Be it enacted by the Legislature of West Virginia:

That sections twenty-one and twenty-three of chapter one hundred and sixteen of the code be amended and re-enacted so as to read as follows:

“21. Any court may allow a special jury in any case, to be formed in the following manner, viz: The court shall

How special jury formed.

Twenty jurors to
be summoned.

direct the sheriff to form a panel of twenty qualified jurors, whom he shall summon, and who are free from just cause of exception, from which sixteen shall be chosen by lot; the parties thereupon, beginning with the plaintiff's attorney, or the prosecuting attorney when the state is a party, shall alternately strike off one, until the number be reduced to twelve; which number shall compose the jury for the trial of the case."

Selection of jury
for the trial.

Pay of jurors.

"23. Any person summoned as aforesaid, by virtue of a venire facias or otherwise, and actually attending upon the court, whether he be called to serve on a jury or not, shall, for each day he so attends, be entitled to receive one dollar and fifty cents, and the same mileage allowed to witnesses, to be paid out of the county treasury; except that for any day that any person shall be sworn to serve on a case of felony, he shall, for that day, be paid two dollars out of the state treasury. There shall be taxed in the costs against any person against whom a judgment on the verdict of a jury may be rendered in a case of misdemeanor, and against any person against whom judgment on a verdict of a jury may be rendered in a civil action, and against any person on whose motion the verdict of a jury is set aside and a new trial granted, six dollars for jury costs, which, when collected from the party, shall be paid into the county treasury. The clerk shall certify to the board of supervisors a correct list of all cases in which a jury fee has been taxed, payable into the county treasury, to enable the said board to settle with the sheriff therefor."

Jury costs to be
taxed.

CHAPTER 21.—An ACT to amend and re-enact section 3 of chapter 113 of the Code of West Virginia, in relation to the terms of the Supreme Court of Appeals.

Passed February 8, 1870.

Be it enacted by the Legislature of West Virginia :

That section three of chapter one hundred and thirteen of the code of West Virginia be amended so as to read as follows :

Time and place
of sessions.

"3. Two sessions of the supreme court of appeals shall be held every year at the seat of government, or such other

place as may be appointed for the purpose, in conformity to the seventh, eighth, and ninth sections of the one hundred and fourteenth chapter of this act. The said sessions shall commence on the second Thursday of January and the second Thursday of July respectively, and continue until the business is dispatched.”

Commencement of sessions.

CHAPTER 22.—An ACT to amend and renew the charter of the West Virginia Central Railway Company.

Passed February 15, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the second section of the act passed March 2, 1864, “to incorporate the West Virginia Central Railway Company,” be amended and re-enacted so as to read as follows :

“2. The said company is hereby authorized to construct, equip, and operate a railway from any point on the Pennsylvania line, in the county of Preston, or in the county of Monongalia, by the most practicable and convenient route to a point on the Chesapeake and Ohio railroad, at or near Charleston, in the county of Kanawha, with the right to extend the same to a point at or near the mouth of the Big Sandy, or any other point on the Kentucky line, or any point on the Ohio river, so as not to interfere with the chartered rights of the Chesapeake and Ohio railroad ; with such branches for the complete development of the country between the points aforesaid, as the company may desire; and may make such connections with the Chesapeake and Ohio railroad as will facilitate the transfer of trade and travel upon the two railroads.”

Route of road.

Extensions.

branches, and

connections.

2. That the act passed March 3, 1868, “renewing the charter of the West Virginia Central Railway Company,” be amended and re-enacted so as to read as follows :

“The charter of the West Virginia Central Railway Company having expired by limitation and the failure to make any valid organization under it, the same as since and now amended and limited is renewed and revived and, with all the rights and franchises thereof, is hereby transferred to and placed under the control and direction of D. D. T. Farnsworth and placed under control of commissioners.”

Charter renewed

and placed under control of commissioners.

Commissioners named. worth, Z. D. Ramsdell, J. C. McGrew, Spencer Dayton, and William B. Crane, who are hereby appointed commissioners on the part of the state, whose duty it shall be to offer the benefits of the said charter for the acceptance of capitalists, so as to secure the speediest and best construction, equipment and operation of said railway. To this end they are empowered to make a contract with any parties who shall give the best terms and the most satisfactory assurance of capacity and responsibility; and to introduce into said contract any additional stipulations for the benefit of the state, and in furtherance of the purposes herein declared, and not inconsistent with this act, which said contract shall be to all intents and purposes as much a part of the charter as if the same had been herein included at the passage of this act. The said commissioners shall have authority in person, or by such agents as they may appoint, to receive subscriptions to the capital stock, and to superintend the organization of any company formed for the purpose of this act. And the certificate of the said commissioners filed with the secretary of the state, showing the organization of said company, and the execution of the contract herein provided for, shall confer upon said company all the benefits of this charter; and all the rights that are granted to the Chesapeake and Ohio railroad on the question of taxation shall also be granted to any company contracting under the provisions of this charter. No action of the said commissioners shall be valid unless concurred in by at least three of their number. They shall not directly or indirectly receive any emolument from, or have any interest in, any company created under this act, nor shall they receive from the State or from any other source any compensation for their services, or for any personal expenses incurred in the discharge of their duties under this act.

Authority to construct for construction of road, receive subscriptions, and organize company. Certificate to be filed with secretary of the state. Exemption from taxation. Commissioners not to receive any compensation. Organization to be approved by commissioners. Former organizations declared void.

3. No organization under the said charter shall be made except with the approval of the said commissioners, and all organizations heretofore made or pretended under color of the said charter or in the name of the West Virginia Central Railway Company, are hereby declared to be without authority, illegal, and void.

CHAPTER 23.—An ACT authorizing the Trustees of the Methodist Episcopal Church, in Oceana, Wyoming county, to sell and convey their church property.

Passed February 15, 1870.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Episcopal Church, in Oceana, Wyoming county, are hereby authorized to sell and convey their church property in said town, to the board of education of Oceana township, in said county, or to any others who will purchase it for a school house.

Authority to sell church to be used for school purposes.

CHAPTER 24.—An ACT to amend an act entitled "An Act to amend the charter of the Little Kanawha Navigation Company," passed March 4th, 1868.

Passed February 19, 1870.

Be it enacted by the Legislature of West Virginia :

1. The second section of an act entitled "An Act to incorporate the Little Kanawha Navigation company," passed February twenty-eighth, eighteen hundred and sixty-six, as amended by an act entitled "An Act to amend the charter of the Little Kanawha Navigation company," passed March fourth, eighteen hundred and sixty-eight, is hereby further amended so as to authorize the board of supervisors of the county of Wood to change their loan to the said company to a subscription to the capital stock thereof, of like amount, subject to the terms and conditions expressed in the said section, as the same is hereby amended.

Supervisors of Wood authorized to change loan into subscription.

2. The said second section is hereby further amended so as to authorize and empower the several boards of supervisors of the counties therein named, and the mayor and council of the city of Parkersburg, respectively, to subscribe to the capital stock of the said company such additional sum or sums, as together with their several subscriptions and loans to the said company, if any, heretofore made, as in the whole shall not exceed the sum of thirty thousand dollars in each case; and the said counties and city are hereby severally authorized and empowered to issue their bonds to the said company in payment of said subscriptions, or additional subscriptions, upon such terms and conditions as may be agreed upon with the said company.

Certain counties authorized to make additional subscriptions

and issue bonds in payment.

Counties of Wood
and Wirt and city
of Parkersburg
authorized to re-
lease lions,

3. The mayor and council of the said city of Parkersburg, and the boards of supervisors of the counties of Wood and Wirt, are hereby severally authorized and empowered, if they shall elect so to do, to release any lien they may have upon the works and property of the said company, to secure the payment of interest or principal upon the bonds issued by them respectively, in payment of their several loans, or subscriptions to the capital stock of said company. But nothing herein contained shall impair or affect the right of the said city or the said counties to collect and receive the dividends which may be declared upon the capital stock of the said company owned by them respectively.

but their right to
collect dividends
not to be impair-
ed.

CHAPTER 25.—An ACT concerning and authorizing the Alexandria, Loudoun and Hampshire Railroad Company to extend their railroad through this State to the Ohio River.

Passed February 19, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the Alexandria, Loudoun and Hampshire Railroad company, incorporated under an act of the General Assembly of Virginia, passed March twentieth, eighteen hundred and fifty-three, and its supplements, be and they are hereby authorized and empowered to extend and construct their railroad, now being constructed westwardly from Washington city, from the line of the state of Virginia, westwardly, through this state, as they may deem most eligible, (dispensing with the route heretofore located by them,) to the west bank of the Ohio river, at any point between the Little Kanawha and Big Sandy rivers, where those rivers respectively strike the Ohio river, and to connect their said road by branches with the Chesapeake and Ohio Railroad; and with the Baltimore and Ohio Railroad at any practicable point in the county of Mineral, at or near Piedmont, and not east of New Creek, and to construct such other branches, not to exceed fifty miles in length in any one case, as they may deem expedient; and that said company shall have, exercise and enjoy all rights and powers and be subject to all regulations and restrictions granted or prescribed by the code of West Virginia, relating to railroads, except so far as the provisions of this act are or may be inconsistent therewith.

Company au-
thorized to ex-
tend railroad to
the Ohio river,

make connec-
tions with other
railroads,

construct bran-
ches,

and enjoy rights
and be subject to
restrictions pro-
vided in Code of
West Va.

2. That from and after the first day of January, eighteen hundred and seventy-one, the corporate name of said company (the stockholders, in general meeting, consenting thereto) shall be "The Washington and Ohio Railroad Company."

3. That it shall be lawful for the said company, in general meeting, to increase the capital stock thereof to an amount, including its present capital, not to exceed twenty millions of dollars, and to authorize its board of directors to borrow money at a rate of interest not exceeding eight per centum per annum, to the amount of twenty millions of dollars; and to issue bonds therefor; and to sell the said bonds at the best price that can be obtained for the same; and to secure the payment of such bonds by mortgage or deed of trust upon its franchises and its real and personal property, including its road, running stock, equipments, branches, income, and other things, or any part or parts thereof, and such bonds, or any part thereof; to make preferred bonds convertible into stock of the company, or either; for which purpose said company shall be authorized to issue such additional stock as may be necessary.

Corporate name.
Increase of capital stock.

Authority to borrow money,

issue bonds, secure their payment,

make bonds convertible, and issue additional stock.

4. It shall and may be lawful for said company to accept and receive from any person or persons, corporation or corporations, voluntary donations of land or other property, or money, given in aid of the location, construction, and equipment of the said road and branches, and to purchase, hold and enjoy mineral and timber lands; and the said company is hereby authorized to receive payment for subscriptions to its capital stock, or any part thereof, in land or money, or other property, as said company may deem best; and if in land or other property, then at such price and valuation as may be agreed upon by said company; and any real estate may be conveyed to said company for the purposes aforesaid, by proper deeds of conveyance, and the same may be disposed of by said company whenever deemed advisable by them for the lawful purposes thereof, by proper deeds of conveyance executed by the president of said company, upon the order of a majority of the directors of said company at a meeting thereof.

Authority to accept donations,

hold lands,

receive subscriptions to stock in land, and

take and convey real estate.

5. It shall and may be lawful for all persons and bodies corporate or politic whatsoever, to become subscribers for and

Who may subscribe for stock.

Subscription by certain counties.

owners of the capital stock of said company, or any part thereof; and power and authority is hereby given to the counties of Hardy, Hampshire, Mineral, Grant, Pendleton, Randolph, Tucker, Upshur, Barbour, Lewis, Mason, Pocahontas, Greenbrier, Fayette, Clay, Nicholas, Webster, Roane, Kanawha, Jackson, Boone, and all other counties on or near the line of said road, to become subscribers for and owners of the capital stock of said company, in the manner hereinafter prescribed.

Question of subscription to be submitted to voters and tax payers.

6. Immediately after the passage of this act, or at any time thereafter, the boards of supervisors of the aforesaid counties, or any or either of them, may submit the question of subscription to the capital stock of said company to the voters and citizen tax-payers of their respective counties, to test the sense of the people thereof, as to whether or not the said counties, or any or either of them, desire to become subscribers for and owners of the capital stock of said company, or any part thereof; and the board of supervisors of said counties shall have power to fix the amount of subscription to be voted for, and said amount shall not exceed two hundred and fifty thousand dollars in any one county, and shall be printed on the ticket, to be headed, "For subscribing \$—— to the capital stock of the Alexandria, Loudoun and Hampshire Railroad Company," or to "The Washington and Ohio Railroad Company," as the case may be; and as soon as practicable after it is ascertained that any or either of said counties desire to become subscribers for and owners of the capital stock of said company, or any part thereof, the board of supervisors of such county or counties shall proceed to raise the amount so subscribed by issuing bonds of said county or counties, payable at such time and in such manner as they may deem best, said bonds to bear not more than six per cent interest per annum, and with said amount, purchase the capital stock of said company, in the name of and for the benefit of the county or counties so subscribing, or transfer to said company said bonds in payment of said subscription, whichever they may deem best for the interests of said county or counties so subscribing, provided said company will agree to receive payment in such mode.

Board of supervisors to fix amount to be voted on.

If county favors subscription, the board to issue bonds for purchase of stock.

Rights of company.

7. The said company shall be and is hereby invested with all and singular the rights, powers, immunities, franchises, and

privileges, for surveying, locating, constructing and equip-^{Road.}ing said road, and working, repairing and preserving the same, and the necessary vehicles and appurtenances there-^{vehicles.}to belonging, for the safe and convenient transportation of freights and passengers thereon, and with the power and authority to charge and collect tolls on freights and passengers ^{Tolls on freight and passengers.} on the same, and every part thereof, which the Baltimore and Ohio Railroad Company enjoys under the act incorporating said company, and the act or acts supplementary and amendatory thereto; and said company shall be exempt from the imposition of any tax or burthen whatever within this state, until such time as the net proceeds of said road exceed ten per cent upon the capital stock of said company.

8. For the purpose of laying out and locating their said ^{Authority to enter on lands to locate road.} railroad and branches, the president and directors of said company, with their engineers and agents, shall have full power and authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating said road and branches, but the said company in locating their said road and branches, depots, warehouses and stations, shall not leave open any fence or enclosures on any land, or injure the property of the owner or occupier, without his or her consent; or invade the dwelling house of any person or persons, without his or her consent. And when the extension of said road or any of its branches is located, if the owners of said lands or their agents, and the officers and agents of said company can not agree upon the value of such lands as the said company may deem necessary to use and occupy for their railway, depots, warehouses, and stations, the said company may have and hold the said lands for the sole use and benefit thereof, in the manner following, to-wit: The said company shall make out a particular description of said lands in writing, and file it in the clerk's office of the circuit court of the county in which said lands are located, stating therein the sum they propose to pay therefor, and also file therewith a bond, with security, to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them, as hereinafter provided, and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purposes designated in said description; but in no case shall the amount of land for the track of said ^{How land needed by company may be condemned if parties cannot agree on value.} ^{On filing description of land, and bond, in clerk's office,} ^{company may enter on lands.}

Amount of land which may be taken. road and branches exceed sixty feet in width, except in cases of cuts and fills, when the width may be one hundred and thirty feet; and the party, or his agent, owning the said land may file with the said clerk of said court his or her claim therefor, in which shall be stated the sum he or she may demand for said land; and said court shall appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act, but in no case shall said court appoint for such purpose any person or persons through whose lands said road is to pass; and the sheriff, after said appointment is made, shall summon the said viewers to meet on the lands at such time as he may appoint, within thirty days after such appointment is made by the court, giving ten days' notice to the parties interested. And the sheriff shall administer an oath to the viewers, which he is hereby authorized to do, that they and each of them will fairly, impartially and honestly assess, fix and determine the amount said company shall pay for said land, and return their report, under their hands and seals, to the clerk of the circuit court of the county, setting forth the amount, if any, to be paid by said company, which report shall be certified by the sheriff; and on the first day of the next term of the circuit court the judge thereof shall direct judgment to be entered on said report, if no exceptions be taken and filed thereto by either party; but if exceptions be taken and filed thereto, the court shall submit the matter in dispute to a jury of twelve men, selected according to law, who shall try the same as any other cause in said court, unless the matter in dispute be a question or questions of law, when the judge shall decide between the parties. The judge shall have power to determine which party shall pay the costs of such proceeding, if more damages are given by the jury than by the viewers; but in case they give the same damages, then the party filing the exceptions shall pay the costs, and in case they give less damages, then the party failing shall pay the costs.

Owner may file claim. Jury of viewers. Their meeting, oath, and report, Judgment on report. Exceptions to report and trial thereof. Cost of proceedings.

9. Nothing herein contained shall be construed to give said company banking privileges.

Banking privileges not given. Acts inconsistent herewith not to apply to company.

10. Such parts of the code of this state, or any act or acts as may be inconsistent or conflict with this act or any of its provisions, shall be held not to apply to said company so far as the same may affect the rights, powers and privileges

granted by this act; provided, however, that for all other Proviso. purposes the same shall have the same force and effect as if this act had never been passed; and said company shall have Suits by and against company. the right and power to sue and be sued in any of the courts of this state.

11. Said company shall have all the rights, powers and privileges granted to it under an act of the general assembly of Virginia, passed March twentieth, eighteen hundred and fifty-three, and its supplements, as fully as if the same were incorporated in this act, and be subject to all restrictions not inconsistent with this act or any of its provisions. Rights under former acts.

12. The legislature reserves the right to alter or amend, Act may be amended. but such alteration or amendment shall not affect or impair the right of the creditors of said company to have the property and assets applied in discharge of their respective claims, nor of the stockholders to have the surplus which may remain after providing for the debts and liabilities of the company distributed among themselves, according to their respective interests. Proviso.

CHAPTER 26.—An ACT allowing further time to William E. Lyon and Arthur W. Martin, of Harrison county, to collect certain taxes, county levies, militia fines and officers' fees.

Passed February 21, 1870.

Be it enacted by the Legislature of West Virginia :

It shall be lawful for William E. Lyon, late collector of the public revenue, county levies, militia fines and officers' fees, for the county of Harrison, for the years eighteen hundred and sixty-one, and eighteen hundred and sixty-two, and Arthur W. Martin, his deputy, to distrain for and collect in the mode now prescribed by law, at any time within two years from and after the passage of this act, any state taxes, county levies, militia fines and officers' fees, that may be due them, or either of them, as such collector and deputy for the years eighteen hundred and sixty-one, and eighteen hundred and sixty-two, with interest thereon at the rate of six per cent per annum, from and after the first day of August, eighteen hundred and sixty-two. Lyon and Martin allowed to distrain for two years for taxes, levies, fines, and fees.

CHAPTER 27.—An ACT to amend and re-enact section 121 of chapter 50 of the Code of West Virginia, in relation to suggestions on judgments of Justices.

Passed February 21, 1870.

Be it enacted by the Legislature of West Virginia :

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

Service and return of order.

Liability of person served.

Judgment debtor to have notice.

"121. The order shall be signed by the justice, and served and returned like a summons, but the exact time of service shall be stated in the return. And the person against whom it is served, from the time of the service thereof, shall be liable to the judgment creditor for whatever effects (real estate excluded) of the judgment debtor, not exempt by law from execution, were in his possession or control when the order was served, and whatever amount he was then liable for to the judgment debtor, whether then due and payable or thereafter to become so, but so far only as may be necessary to satisfy the judgment, including the costs of the proceedings upon the suggestion. Provided that the judgment debtor, if found within the county, shall be served with notice in writing at least three days before the hearing on the suggestion before the justice, which notice shall be served in the same manner that the suggestion is served."

CHAPTER 28.—An ACT to prevent public officers from embezzling money or property entrusted to them.

Passed February 21, 1870.

Be it enacted by the Legislature of West Virginia :

Officers embezzling deemed guilty of larceny.

If any officer of this state or any county or township thereof embezzle or fraudulently convert to his own use money, bank notes, or other security for money, or any effects or property of another person, which shall have come to his possession, or been placed under his care or management, by virtue of his office, place, or employment, he shall be deemed guilty of larceny thereof.

CHAPTER 29.—An ACT providing for the location of the county seat of Mercer county.

Passed February 23, 1870.

Be it enacted by the Legislature of West Virginia:

It shall be lawful for the board of supervisors of Mercer county to order the holding of a special election in said county, after having first given thirty days' notice thereof by posting notices at not less than five public places in each township in said county, to take the sense of the qualified voters of said county as to whether Princeton or Concord Church shall be the county seat of said county, and the place receiving the greatest number of the votes cast at said election, shall be and remain the county seat of said county, until removed by a three-fifths vote of the people of said county, at an election held for that purpose according to law.

Election on location of county seat.

Majority vote to determine.

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

Inconsistent acts repealed.

CHAPTER 30.—An ACT to change the times of holding the Courts of the Ninth Judicial Circuit.

Passed February 24, 1870.

Be it enacted by the Legislature of West Virginia:

The time of holding the courts in the ninth judicial circuit shall be as follows:

Terms of courts in

For the county of Wirt, on the second Monday in March, the third Monday in August, and the third Monday in November.

For the county of Pleasants, on the third Monday in March, and the second Monday in August, and November.

Pleasants,

For the county of Wood, on the first Monday in April, September, and December.

Wood.

CHAPTER 31.—An ACT to authorize circuit judges in vacation to dissolve injunctions.

Passed February 24, 1870.

Be it enacted by the Legislature of West Virginia:

The judge of a circuit court in which a case is pending wherein an injunction is awarded, may, in vacation, dissolve

such injunction, after reasonable notice to the adverse party. His order for dissolution shall be directed to the clerk of the said court, who shall record the same in the order book.

CHAPTER 32.—An ACT amending the charter of the Parkersburg and Sandy Railroad Company.

Passed February 24, 1870.

Be it enacted by the Legislature of West Virginia :

1. Section one of the act of the General Assembly of the re-organized government of Virginia, passed January tenth, eighteen hundred and sixty-two, entitled "An act incorporating the Parkersburg and Sandy Railroad Company," as amended by the act of the legislature of West Virginia, passed March fifth, eighteen hundred and sixty-eight, entitled "An act amending the charter of the Parkersburg and Sandy Railroad Company," is hereby amended and re-enacted so as to read as follows :

"1. It shall be lawful to open books in the city of Parkersburg, in the county of Wood, under the direction of M. C. C. Church, J. N. Camden, J. C. Rathbone, E. S. Butcher; and in the town of Ravenswood, in the county of Jackson, under the direction of R. S. Brown, B. D. Williams, J. A. Smith, R. C. Brown, D. J. Keeney; and in the town of Ripley, in the said county, under the direction of F. R. Hassler, J. D. Armstrong, J. H. Riley, E. Maguire, George Shinn; and in the city of Charleston, in the county of Kanawha, under the direction of C. W. Smith, J. S. Burdett, John Slack, jr., Wesley Mo'lohan, H. C. McWhorter, for the purpose of receiving subscriptions, to an amount not exceeding five millions of dollars, to constitute a joint capital stock for the purpose of constructing a railroad from Parkersburg, in the county of Wood, to Charleston, in the county of Kanawha; said road to pass through the town of Ripley, in the county of Jackson."

2. Section two of said act is hereby amended so as to read as follows :

"2. The capital stock of said company shall be divided into shares of fifty dollars each, and when one thousand shares of said capital stock shall have been subscribed, the

Corporators.

Subscription
books.
Capital stock.
Route of road.

Shares of stock.

subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company politic and corporate, by the name and style of "The Parkersburg, Ripley and Charleston Railroad Company," subject to all the provisions and entitled to all the benefits of the code of West Virginia, except so far as the provisions of this act may be inconsistent therewith."

Incorporation.
Style of company.
Company subject to code.

3. Section three of the said act as amended as aforesaid is hereby amended and re-enacted so as to read as follows :

"3. The said company shall have power to borrow money for the purpose of carrying out the object of this act, and to issue proper certificates or evidence of such loan, and to pledge the property of the company for the payment of the same, and the interest that may accrue thereon. The said company shall commence the construction of said railroad within four years, and complete the same within twelve years from the passage of this act."

Authority to borrow money and secure its payment.
Time allowed for commencement and completion of road.

4. It shall be lawful for the board of supervisors of any county to take the sense of the qualified voters of their counties, and of all white male residents thereof, who are neither minors, persons of unsound mind, paupers, nor under conviction of treason, felony, or bribery in an election, and who have been residents of the state for one year, and of the county thirty days, next preceding, and are assessed with a tax therein for the year in which such vote may be taken, or the year previous thereto, upon the question of a subscription to the corporate stock of said company; and should a majority of the persons who may vote on such question, vote in favor of the proposed subscription, the said board of supervisors shall appoint an agent to subscribe, on behalf of the county, for the amount of stock which may have been authorized by said vote, and to negotiate a loan or loans, in the name of the county, at a rate of interest not exceeding ten per cent per annum, for the purpose of paying said subscription of stock; and said board of supervisors may issue the bonds, coupon or registered, of the county for the amount of said loans; and it shall be the duty of said board of supervisors, from time to time, to assess and collect taxes upon the taxable subjects of their counties, including the same subjects in the incorporated cities, towns or villages, sufficient to pay the interest on said loan, and for the final extinction of the principal thereof. No

Question of subscription by any county may be submitted by the board of supervisors.
If majority of voters favorable, board of supervisors to subscribe,

issue bonds, and collect taxes for their payment.

Registration not necessary for certain voters.

registration of the persons herein named, who are not qualified voters under the constitution of this state as amended, shall be required to enable such persons to vote on said ques-

Places of voting.

tion. The vote shall be taken at the several places of voting in each county, and a notice thereof shall be posted at such places, and at three other public places in each township, at

If first vote unfavorable, another may be taken.

least twenty days prior thereto. Upon the failure of a majority of the said persons, who may vote upon the said question of subscription, to vote in favor thereof, it shall be lawful for the board of supervisors to direct another vote of the said county in favor thereof. It shall be lawful for the board of

Vote on different amount.

supervisors to direct another vote of said persons to be taken upon the question of subscribing a different amount. It

Subscription upon certain conditions.

shall be lawful for the board of supervisors of any county to direct such vote to be taken upon the question of subscription to the stock of such company, upon such conditions as they may deem proper, which conditions the said board shall insert in their order directing the said vote; and if a majority of the votes cast on said question shall be in favor of such conditional subscription, the agent appointed as aforesaid to subscribe for said stock shall subscribe for the same upon

Conditions must be complied with if such subscription accepted.

the conditions prescribed in the said order, which conditions shall be strictly complied with by said company, if it accepts such subscription; and upon the failure or refusal of the said company to comply with such conditions, or any of them, the circuit court of the county shall have full power and author-

Circuit court may compel compliance.

ity to compel such compliance, by mandamus or injunction, or both, as the case may require. Provided, the election herein mentioned shall not be held on the day of any general election, and that the expenses thereof shall be paid by the counties.

Election not to be held on day of general election.

CHAPTER 33.—An ACT repealing sections 10, 11, 12, and 13 of chapter 136 of the Code of West Virginia.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia:

Sections prescribing oath for suitors repealed.

Sections ten, eleven, twelve and thirteen of chapter one hundred and thirty-six of the code of West Virginia are hereby repealed.

CHAPTER 34.—An ACT to amend and re-enact section 1 of chapter 62 of the Code of West Virginia, in relation to the killing of deer.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia :

Section one of chapter sixty-two of the Code of West Virginia is hereby amended so as to read as follows :

"1. No person shall kill any deer from the first day of January until the fifteenth day of August next following, in each year, or run any deer with dogs from the first day of January until the fifteenth day of October, in each year. Any one violating this law shall be fined twenty dollars. One half of the fine shall go to the informer, and the other half into the school fund. Any person found with any recently killed venison or fresh deer skins in his possession, during the time in which the killing of deer is prohibited by this act, shall be deemed, for the purposes of this act, prima facie to have killed said deer. Provided, this section shall not apply to deer killed in any park."

Time for killing or running deer limited.

Penalty for violation of law.

Presumption as to killing of deer.

Section not to apply to deer in parks.

CHAPTER 35.—An ACT to provide for the payment of certain military claims.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia :

That the sum of six thousand seven hundred and eighty-six dollars and twenty-two cents is hereby appropriated and placed at the disposal of the governor for the payment of certain military claims, audited by the board of claims under and by virtue of an act passed March third, eighteen hundred and sixty-nine, entitled "an act creating a board for the examination of certain military claims," as exhibited in the report of said board, dated January twenty-second, eighteen hundred and seventy, and additional claims audited since that date by the board of military claims.

\$6,786 22 appropriated to pay claims audited by board.

CHAPTER 36.—An ACT for the relief of the securities of James Bartram, late sheriff of Wayne county.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia :

Securities
released.

That William Shannon, H. Retherford, William Bartram, and Hiram Bloss be and are hereby released from their liabilities as securities on the bond of James Bartram, late sheriff of Wayne county, so far as such liability is applicable to taxes due the state, and no further.

CHAPTER 37.—An ACT to incorporate the New River Railroad Company.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. H. Chester Parsons, Jerome T. Bowyer, John A. Hunter, H. C. Cabell, Alexander R. Humphreys, George Evans, William B. Crump, Albert G. Pendleton, M. Chapman, F. W. Mahood, Chapman J. Johnston, Charles E. Wortham, General John E. Mulford, Robert H. Maury, Thomas Ewing, Jr., Henry C. McWhorter, A. Pack, John M. Hutchinson, Frank Hereford, Jaban B. Alexander, Joseph Cloyd, John B. Baskerville, Waller R. Staples, Charles Roland, Charles C. Gardner, Benjamin Eggleston, David Franchot, Oakes Ames, Wyllis Phelps, and John B. Blair, and their associates, successors, and assigns, and all who shall become stockholders, when three thousand shares of the capital stock shall have been subscribed as hereinafter provided, are hereby made a body politic and corporate, by the name, style, and title of "The New River Railroad Company," provided said subscription shall be made in good faith within four years after the passage of this act.

Incorporation.

Style of company.

Time of subscription limited.

Authority to construct railroad.

Termini.

Location of route.

2. The said company is hereby authorized to construct a railroad from some point on the Chesapeake and Ohio railroad, at or near the mouth of Greenbrier river, to some point on the Virginia and Tennessee railroad, at or near the point where said road crosses New river, and the general location of said line shall be along or near the line of New river, and to provide everything necessary for the equipment and use of said railroad.

3. The capital stock of said company shall not exceed the sum of five millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property and transferable; and each share shall entitle the holder thereof, either in person or by proxy, to cast one vote in all meetings of the stockholders of said company. And for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three or more of them, at such time and place, or places, as the persons who act in that behalf shall deem expedient, and payment may be made for any part of such subscription either in lands or other property; and the said company may receive voluntary donations of lands or other property, and hold the same as part of its capital stock.

Capital stock.

How stock voted.

Subscription books.

Subscriptions in land or other property.

Donations.

4. In case the said company shall organize and proceed to act as a corporate body before the whole amount of capital stock shall have been subscribed, the president and directors shall have power to receive further subscriptions. And it may be lawful for bodies corporate and politic to subscribe for and be owners of the capital stock, or any part thereof, of said company.

Subscriptions after organization.

Subscriptions by corporations.

5. Whenever five thousand shares of the said capital stock shall have been subscribed for, the said company may be organized by the election of ten directors, who from their own number may elect a president and vice president, and may appoint and provide for the necessary officers of said company. The said president and directors shall have power and authority to conduct all the business of said company; to borrow money for its use; to execute deeds of trust or mortgages on its property in order to secure the payment of all its debts, contracts, or liabilities, or any of them.

Election of directors

and officers.

Directors may borrow money and secure its payment.

6. The first meeting of the stockholders of said company shall be held at Union, in the county of Monroe, and all subsequent meetings at such station upon the line of said road as the directors from time to time may appoint. And the said stockholders shall have authority at their first meeting, or any subsequent meeting, to fix and determine the place of meeting of the directors, and the principal office of said company.

First meeting of stockholders.

Principal office of company.

Quorum of directors.

7. A majority of the directors shall constitute a quorum.

Branches.

8. The said company may and shall have full power and authority to locate, construct, and maintain any branch railroad or railroads, not exceeding twenty miles in length, to any coal or timber lands owned by the said company.

Representation of bondholders in stockholders' meeting.

9. The stockholders of the said company may admit the bondholders under any mortgage authorized by the company, to representation in the meetings of the stockholders.

Exemption from taxation.

10. The property of the said company shall be exempt from taxation until its net revenues may pay ten per cent upon its capital stock.

Commencement and completion of road.

11. The said company shall commence work upon its line within six months from the completion of the Chesapeake and Ohio railroad, and shall complete its entire line within three years thereafter.

Company subject to code of West Virginia.

12. This charter shall be subject to chapters fifty-two and fifty-three of the code of West Virginia, so far as the provisions of the same are applicable thereto, and consistent with this act.

Act may be amended, but not so as to affect rights of creditors or stockholders.

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

CHAPTER 38.—AN ACT for the extension of the Pittsburgh, Virginia, and Charleston Railroad across West Virginia.

Passed February 25, 1870.

Be it enacted by the Legislature of West Virginia :

Former rights renewed.

1. That all the rights, privileges and franchises heretofore granted by the legislature of West Virginia, to the Monon-

gahela Valley, and the Greenbrier and Tygart's Valley Railroad, are hereby revived and re-enacted, and the benefits thereof transferred to the Pittsburgh, Virginia and Charleston Railroad Company, or so much thereof as the said company may see proper to avail themselves; excepting such parts of said acts as may come in opposition to the express meaning of this act. The assent of the state of West Virginia is hereby given and privilege granted to the Pittsburgh, Virginia and Charleston Railroad Company, of Pennsylvania, (formerly known as the Monongahela Valley Railroad Company,) to locate, construct and maintain a continuous line of railroad by the most practicable route, across the state of West Virginia, from a point at or near the Monongahela river, where the boundary line of Pennsylvania and West Virginia crosses the said river; thence up the valley and tributaries of the same, by the shortest and most practicable course, through the county of Monongalia, and by the most practicable route, crossing the line of this state to some point on the Virginia and Tennessee Railroad, at or between Salem and Newbern.

Benefits of former legislation transferred to P. V. & C. R. R. Co.

Authority to construct a railroad.

Route of road.

2. The Pittsburgh, Virginia and Charleston Railroad Company, (whose directors are B. F. Jones, Joseph Walton, Geo. Black, H. B. Hays, J. C. Risher, Joseph Dilworth, Dr. Patton, and T. W. Briggs,) shall have power, and they are hereby authorized to associate themselves with citizens of West Virginia, in a corporate capacity, open books at different places along the line of the proposed route of said railroad, for the purpose of obtaining subscriptions to the capital stock of said company; and payment may be made for the whole or any part of such subscription, either in land or other property, at such prices and valuation as may be agreed upon by those securing such subscription; and the said company may accept and receive from any person or persons voluntary donations of any land or other property, given in aid of the location, construction and equipment of the said road. Real estate may be conveyed to said company for the purpose aforesaid, by proper deeds of conveyance, and the same may be disposed of for the lawful purpose of the company, by proper deeds of conveyance, executed by the president thereof upon the order of the majority of the directors of said company, at a meeting of their board.

Company authorized to open subscription books.

Subscription in lands.

Donations.

Authority to hold real estate.

Authority to enter on lands to locate road.

How land needed by company may be condemned, if parties cannot agree on value.

On filing description of land, and bond, in clerk's office, company may enter on lands.

Width of land taken.

Viewers.

Their meeting

and oath.

3. For the purpose of laying out and locating their said railroad, the president and directors of said company, with their engineers and agents, shall have full power and authority to enter upon and pass through and over any lands on the contemplated route, and to occupy the same so long as may be necessary for locating their said road, depots, warehouses, and stations; but shall not leave open any fences, or enclosures on any land, or injure the property of the owner or occupier without his or her consent, or invade the dwelling-house of any person, or within the space of sixty feet thereof, without the consent of the owner or occupier. And when the owners of land, and the officers and agents of said company cannot agree upon the value of such lands as the said company may deem necessary to use and occupy for their railway depots, ware-houses and stations, the said company may have and hold the said lands for the sole use and benefit thereof, in the following manner, to-wit: The said company shall make out a particular description of the lands desired, in writing, and file it in the clerk's office of the circuit court of the county in which said lands are located, stating therein the sum they propose to pay therefor, and also file therewith, bond with security, to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against them as hereinafter provided; and thereupon they may enter upon and take possession of said lands, and proceed at once to operate and use the same for the purpose designated in said description; but in no case shall the amount of land for the track of said road exceed sixty feet in width, excepting in cases of cuts and fills, when the width may be one hundred and thirty feet; and the party or his agent, owning the said land, may file with the said clerk of his court, his or her claim therefor, in which shall be stated the sum of money he or she may demand for said land; and the said court shall appoint five disinterested persons for the purpose of ascertaining a just compensation therefor, any three of whom may act; but in no case shall said court appoint for such purpose any person or persons through whose lands said road is to pass. And the sheriff, after said appointment is made, shall summon the said viewers to meet on the lands at such time as he may appoint, within thirty days after such appointment is made by the court, giving ten days notice to the parties interested; and the sheriff shall administer an oath to the viewers, which he is hereby authorized to do, that they, and each of them,

will fairly, impartially and honestly assess, fix and determine the amount said company shall pay for said land, and return their report, under their hands and seals, to the clerk of the circuit court of the county, setting forth the amount, if any, to be paid by said company, which report shall be certified by the sheriff; and on the first day of the next term of the court, the judge thereof shall direct judgment to be entered on said report, if no exceptions be taken and filed thereto by either party; but if exceptions be taken and filed thereto, the court shall submit the matter in dispute to a jury of twelve men, selected according to law, who shall try the same as any other cause in said court, unless the matter in dispute be a question or questions of law, when the judge shall decide between the parties. The judge shall have power to determine which party shall pay the costs of such proceedings, if more damages are given by the jury than the viewers, but in case they give the same damages, then the party filing the exceptions shall pay the costs, and in case they give less damages, then the party failing shall pay the costs.

Viewers' report.

Judgment on report.

Exceptions to report to be tried by jury.

Costs of proceedings.

4. Such parts of the code of West Virginia, or of any act or acts, as may be inconsistent or in conflict with this act, or any of its provisions, shall be held not to apply to said company, so far as the same may affect the rights, powers and privileges granted by this act; provided, however, that for all other purposes the same shall have the same force and effect as if this act had never been passed; and said company shall have the right and powers to sue and be sued in any of the courts of this state, to charge and collect tolls on freight and passengers on the same as is allowed and done by the most favored railroads within this state, always being subject to the general provisions of chapters forty-two and fifty-two, of the code of West Virginia, of eighteen hundred and sixty-nine, relating to railroad companies and corporations.

Laws inconsistent herewith not to apply to company.

Suits by and against company.

Tolls.

Company subject to code.

5. The said company, which shall be known by the name and style of the Pittsburgh, Virginia and Charleston Railroad Company, shall be exempt from the imposition of any tax or burthen whatever, within this state, until the net earnings exceed ten per cent upon the capital stock of said company.

Exemption from taxation.

6. The legislature reserves the right to alter or amend, but such alteration or amendment shall not affect or impair the

Act amendable.

Amendment not to affect rights of creditors or stockholders.

right of the creditors of said company to have the property and assets applied in discharge of their respective claims, nor of the stockholders to have the surplus which may remain, after providing for the debts and liabilities of the company, distributed among themselves according to their respective interests.

Commencement and completion of road.

7. The said company shall be required to commence the construction of the said railroad within three years from the passage of this act, and complete the same within ten years from the time of commencement.

CHAPTER 39.—An ACT to authorize the Shenandoah Valley Railroad Company to construct their road through the State of West Virginia to the Potomac river; and to authorize the board of supervisors of Jefferson county to submit to a vote of the people, at a special election, the question of the subscription to the capital stock of said company.

Passed February 25, 1870.

Act of Virginia assembly recited.

WHEREAS an act has passed the general assembly of Virginia, entitled "An act to incorporate the Shenandoah Valley Railroad Company," in the following words and figures:

"An act to incorporate the Shenandoah Valley Railroad Company"; passed February 23rd, 1867.

"Be it enacted by the General Assembly:

Books of subscription.

"1. That it shall be lawful to open books of subscription in Harrisonburg, in the county of Rockingham, under the direction of S. A. Coffman, Henry Fower, and A. M. Newman, or any two of them; in Luray, in the county of Page, under the direction of Peter B. Borst, William Milnes, and Benjamin F. Grayson, or any two of them; in Front Royal, in the county of Warren, under the direction of William M. Buck, Robert Turner, and Thomas N. Ashby, or any two of them; in Winchester, in the county of Frederick, under the direction of Lloyd Logan, Henry M. Brent, and Philip Williams, or any two of them; in Berryville, in the county of Clark, under the direction of David H. McGuire, William M. Nelson, and David Meade, or any two of them; in Staunton, in the county of Augusta, under the direction of Nicholas K. Trout, Michael T. Harman, and George Bayler, or

any two of them ; in Lexington, in the county of Rockbridge, under the direction of James S. Paxton, J. McD. Taylor, and William C. Lewis, or any two of them ; in Buchanan, in the county of Botetourt, under direction of John S. Wilson, William D. Couch, and Alphonso Finnily, or any two of them ; in Fincastle, in the said county of Botetourt, under the direction of W. E. McCord, T. G. Goodwin, and W. A. Glasgow, or any two of them ; in Salem, in the county of Roanoke, under the direction of Bernard Pitzer, Frederick Johnston, and George W. Shanks, or any two of them ; and in Stuardsville, in the county of Green, under the direction of John B. White, George J. Stevens, Wyatt S. Beasley, James F. Appold, and William T. Sims, or any three of them ; and in such other place or places, and under the direction of such agent or agents, as a majority of the commissioners at either of the above named places may designate, for the purpose of receiving subscriptions to the amount of four million dollars, in shares of one hundred dollars each, to constitute a joint capital stock for constructing a railroad from the town of Harper's Ferry, in the county of Jefferson, or some other point on the Potomac river, through the counties of Warren, Page, at or near Port Republic, in the counties of Rockingham, Augusta, Rockbridge, and Botetourt, to connect with the Virginia and Tennessee Railroad, at or near Salem, in the county of Roanoke, with a branch from some suitable point on said road to Harrisonburg, in Rockingham county ; also a branch from some suitable point on said road via Stuardsville, in Green county, to Gordonsville, in the county of Orange ; also a branch from some suitable point on said road to the town of Lexington, in the county of Rockbridge."

Subscription
books in Va.

Capital stock.

Route of road.

Branches.

"2. Whenever two hundred thousand dollars of stock shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be and are hereby declared to be a body politic and corporate, under the name and style of the Shenandoah Valley Railroad Company, and shall be subject to all the provisions of the code of Virginia applicable to internal improvement companies, except so far as the same be inconsistent with the provisions of this act."

Incorporation.

"3. If the capital stock of said company shall be deemed insufficient for the purpose of this act, it shall and may be

Increase of stock
authorized.

Additional
subscriptions.

Authority to bor-
row money and
secure its pay-
ment.

lawful for the directors, or a majority of them, from time to time, to increase the same by addition of so many shares as they may deem necessary, for which they may, at their discretion, cause subscriptions to be received in such manner as may be prescribed by them, or may sell the same for the benefit of the said company, for any sum not under the par value thereof; and the said directors, or a majority of them, shall, by and with the consent of the stockholders, in general meeting assembled, have power to borrow money for the purpose of this act, and to issue proper certificates of such loans, and pledge the property of the company by mortgage, or otherwise, for the payment of the same and the interest that may accrue thereon."

Commencement
of act.

"4. This act shall be in force from its passage." Therefore,

Be it enacted by the Legislature of West Virginia :

Rights granted
by West Va.

1. That the same rights and privileges shall be and are hereby granted to the aforesaid company within the territory of West Virginia, as are granted to them within the territory of Virginia.

Right to locate
road.

2. That the right is hereby granted to said company to locate their road in the state of West Virginia from the Potomac river, by a route from the said river running not further than one-half mile from the corporate limits of the town of Shepherdstown, and not further than the like distance from the town of Charlestown, in Jefferson county, and to the boundary line between Jefferson county, in West Virginia, and Clarke county, in the state of Virginia.

Route of road.

Branches in Jef-
ferson county.

3. That the right is hereby granted to the said company to make such branches from suitable points on said road, within the county of Jefferson, state of West Virginia, as may be found necessary or the public convenience may require.

Subscription
books in West
Virginia.

4. That it shall be lawful for books of subscription, for the purpose of receiving subscriptions to the capital stock of said railroad, to be opened in Shepherdstown, in the county of Jefferson, in this state, under the direction of David Billmyer, Samuel Knott, and Jacob J. Miller, or any two of them; in Harper's Ferry, in the said county, under the direction of George Koonce, Solomon V. Yantis, and Hezekiah Rhoderick, or any two of them; in Charlestown, in the

said county, under the direction of William H. Travers, Henry B. Davenport, and George W. Eichelberger, or any two of them; in Smithfield, in the said county, under the direction of John W. Grantham, John F. Smith, and Walter Shirley, or any two of them; in Kabletown, in the said county, under the direction of Logan Osborn, Anthony Nurmamaker, and Henry Castleman, or any two of them; and in such other place or places, and under the direction of such agent or agents, as a majority of the commissioners at either of the above named places may designate.

Subscription books in West Virginia.

5. That the board of supervisors of Jefferson county be authorized to submit, at a special election, to a vote of all the male tax-payers of the said county, who are above the age of twenty-one years, who are not unsound in mind, or who are not under conviction of treason, felony, or bribery in an election, and who have been residents of the state for one year, and of the said county thirty days, before they shall offer to vote at such election, the question of a subscription to the capital stock of the said Shenandoah Valley Railroad Company. Provided, that the said board shall give notice of such election in the manner specified in the eighteenth section of chapter thirty-nine of the code of West Virginia, thirty days at least before the poll is to be taken, and that if at such election, held as herein provided, a majority of the legal votes cast shall be in favor of said subscription, then such subscription shall in every respect be as valid as though taken under the provisions of section forty of chapter thirty-nine of the code of West Virginia.

Election in Jefferson county on question of subscription.
Who may vote.

Notice of election.

Subscription valid, if majority vote for it.

6. The said election shall in all other matters be taken subject to the provisions of chapter thirty-nine of the code of this state.

Election subject to code.

7. The legislature reserves to itself the right to repeal, alter or amend this act, but such repeal, alteration or amendments shall not in any way impair the vested rights of said company.

Act may be amended.

CHAPTER 40.—AN ACT to incorporate the Charleston Gas and Water Company.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia :

- Corporators.** 1. That Samuel Blish, Jacob D. Woodruff, Samuel E. Stelle, Abraham Burlew, A. E. Summers, S. Sayer Woodruff, and Peter T. Stelle, and their present and future associates, successors and assigns, be and hereby are created, constituted, and declared to be a body politic and corporate in fact, by the name of the Charleston Gaslight and Water Company, and by that name they and their successors may have perpetual succession, and shall, in law, be capable of suing and being sued, and of pleading and being impleaded, in all courts and places whatsoever, and have a common seal, with power to alter the same; and by and under the name and style aforesaid, the said company shall have full power and authority to erect water works and supply water therefrom, and to make or manufacture gas from, or out of, any substance or material whatever, and sell or dispose of the same; said works to be used for the purpose of supplying the town of Charleston, in the county of Kanawha, with pure water and gas for lighting the said town, or the streets thereof, and any buildings, manufactories, or houses therein contained and situate; and for such purposes, the said company shall have the exclusive right to lay down at suitable depths, and maintain in the public streets, lanes and places of said town, such mains and pipes as may be necessary or proper; and to enter into, make and execute any contracts, agreements or covenants, in relation to the objects of this incorporation, or that the board of directors thereof may deem necessary or proper in carrying on the business thereof, and of enforcing the same; and be capable of purchasing, taking, and holding any estate or property, real or personal, as shall be necessary to give effect to the purposes of this incorporation, or for the accommodation of their business and concerns.
- Authority to furnish gas and water.**
- Exclusive right to lay mains.**
- Contracts.**
- Power to hold property.**
- Capital stock.** 2. The capital stock of said company shall be two hundred thousand dollars, and may be increased by said company to such further sum as may be found necessary, not exceeding five hundred thousand dollars; and that a share in the same shall be one hundred dollars; and the subscriptions to the same, or to such part thereof as, from time to time, may, by
- Amount of shares.**

the directors for the time being, be deemed proper and necessary, be opened by the appointment or under the direction of the directors hereinafter named, or a majority of them, subject to such rules, limitations and conditions as by them shall be prescribed.

Subscription books.

3. The stock, property, and affairs and concerns of the said company shall be ordered, managed, and controlled under the direction of seven directors, being stockholders; the said directors shall hold their offices from the third Monday of January, inclusive, in every year, and shall be elected on the second Monday in January in each year, at such time and place as a majority of the directors, for the time being, shall appoint; and upon such notice as may by the by-laws of said corporation be fixed; and that all elections for directors shall be by ballot, and made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and that each stockholder shall be entitled to one vote for each share of stock which he, she, or they shall have held in his, her, or their own name or names at least, twenty days before the time of voting, and that the persons having the greatest number of votes shall be directors, provided, a majority of the stock of said company be represented at said elections, but not otherwise; and if it shall happen that two or more persons have an equal number of votes, the directors in office at the time of such election shall by a plurality of votes, given by ballot, determine which of the persons so having an equal number of votes shall be director, or directors, so as to complete the whole number; and the directors so chosen shall, as soon as may be thereafter, proceed in like manner to elect one of their number, by ballot, for their president; and if any director shall cease to be a stockholder, or shall resign, his office shall be vacant; and whenever any vacancy shall in any manner happen, the same shall be filled by the remaining directors by plurality of votes, until the next annual election, and that Samuel Blish, Jacob D. Woodruff, Samuel E. Stelle, Abraham Burlew, A. E. Summers, S. Sayer Woodruff, and Peter T. Stelle, shall be the present directors, and shall hold their offices respectively until the third Monday of January inclusive, which shall be in the year of our Lord one thousand eight hundred and seventy-one, and until others are elected, appointed, and qualified in their place, and shall proceed to choose their president at such time and place as they, or a majority of them, shall determine.

Directors: their term of office.

Election of directors.

Election of president.

How vacancies filled.

Present directors: their term of office.

Provision in case of failure to hold election on day appointed.

4. In case it shall at any time happen that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not for that cause, or for any non-user, be deemed to be dissolved, but it shall and may be lawful to hold any election for directors on any other day in such manner as shall be provided for by the by-laws and ordinances of said corporation, and the directors of said corporation, for each year, shall continue to hold and exercise their respective offices as such, until their successors be regularly elected, appointed, and qualified, according to the provisions of this act.

Board of directors.

By-laws.

Appointment of officers.

5. The directors of said company, for the time being, shall form a board, and they, or a majority of them, shall be a quorum for transacting the business of the said company, and shall have power to make such by-laws, rules, and regulations as to them shall seem needful and proper, not repugnant to the laws of this state or the United States, for the management of their corporate concerns, touching the government of the said company, the management and disposition of stock, property, estate, and effects thereof, the election of directors, and all such other matters as may appertain to the concerns of the said company; and shall also have power to appoint officers, clerks, and servants for carrying on the business thereof, and designate their representatives, giving such salaries and allowances as to them shall seem best.

How stock may be assigned.

6. The stock of the said company shall be assignable and transferable according to such rules, and subject to such regulations as the board of directors shall from time to time make and establish, and shall be considered personal property.

Payment of subscriptions.

Notice of required installments to be given.

7. It shall and may be lawful for the directors, or a majority of them, to require payment of the sums to be subscribed, at such time and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and that previous notice of the installments required, after the first, and of the time when the same are to be paid, be published for four successive weeks in a public newspaper printed and published in said county of Kanawha.

8. If said company shall not commence operations within two years from the passage of this act, then the powers, privileges, and franchises therein granted shall be forfeited and cease. When company to commence operations.

9. If any person or persons shall willfully do, or cause to be done, any act or acts whatever, whereby the works of said corporation, or any reservoir, pipe, conduit, or any engine, machine, or structure, or any matter [or thing appertaining to the same, or any of them, shall be stopped, injured, or destroyed, obstructed, impaired, or weakened, the person or persons so offending shall forfeit and pay to the said company double the amount of the damages sustained by means of such offense or injury, to be recovered in the name of the said company, with costs of suit, by action at law, to be brought in any court having cognizance thereof; and such person or persons may be prosecuted in such other manner as the law may permit. How injury to works of company punished.

10. The said company shall have power to enter upon lands in the said town of Charleston, and condemn and acquire a sufficient right of way over, under, and through the same, for the purposes of its said improvement, as provided by law in the forty-second and fifty-second chapters of the code of West Virginia; but said company by said condemnation shall not acquire a title in fee to said lands. Company may acquire right of way.

11. The principal office or place of business of said company shall be kept in the town of Charleston, Kanawha county, aforesaid. Principal office.

12. This act shall be deemed a public act, and the said company shall be entitled to and subject to the laws now in force, applicable to and for joint stock companies and works of internal improvement, except so far as the provisions of this act are or may be inconsistent therewith, and the said company shall have exclusive privileges, and this act shall be benignly and favorably construed for the purposes therein expressed and declared, in all courts and places whatsoever. Company subject to general laws. Privileges exclusive. How act construed.

13. The legislature may at any future time, saving and securing the rights acquired by the said corporation hereunder, alter, modify, or amend this act. Act may be amended.

CHAPTER 41.—AN ACT to incorporate the Northern and Southern West Virginia Railroad Company.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Charles S. Lewis, Oscar F. Wainwright, Henry W. Shealey, Peter H. Goodwin, Solomon S. Fleming, Joseph L. Carr, Cyrus Vance, Luther Haymond, George C. Sturgiss, William A. Hanaway, John J. Brown, D. H. Chadwick, William Price, Francis H. Peirpoint, A. B. Fleming, Fountain Smith, Jonathan M. Bennett, Henry Brannon, William J. Bland, Richard P. Camden, William L. Dunnington, Dr. A. E. Summers, Henry C. McWhorter, Benjamin H. Smith, John S. Burdett, and George Jeffries, and their associates, successors, and assigns, and all who shall become stockholders,

Incorporation.

when three thousand shares of the capital stock shall have been subscribed as hereinafter provided, are hereby made a body politic and corporate, by the name, style, and title of "The Northern and Southern West Virginia Railroad Company"; provided said subscriptions shall be made in good faith within four years after the passage of this act.

Authority to construct railroad.

2. The said company is hereby authorized to construct a railroad from some point on the Pennsylvania line, in the county of Monongalia, via Morgantown, Fairmont, Clarksburg, Weston, and Charleston, to some point on the Kentucky state line in the county of Wayne. The said company shall have power to construct as much of said railroad as their capital stock may allow, and shall have all the rights, benefits, and privileges, and be subject to all the duties and responsibilities provided for and declared in chapters fifty-two and fifty-three of the code, so far as the same are applicable to railroad companies and not inconsistent with the provisions of this act.

Route of road.

Company subject to code.

Capital stock.

3. The capital stock of the said company shall not exceed the sum of five million of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property and transferable; and such share shall entitle the holder thereof, either in person or by proxy, to cast one vote in all meetings of the stockholders of said company. And for the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the per-

How stock voted.

Subscription books.

sons named in the first section of this act, or any three or more of them, at such time and place or places as the persons who act in that behalf shall deem expedient, and payment may be made for any part of such subscription, either in lands or other property; and the said company may receive voluntary donations of land or other property, and hold the same as part of its capital stock.

Subscription books.

Donations.

4. The said company may hold land not exceeding one hundred thousand acres, and may sell and dispose of the same by deeds of conveyance, executed by the president, under authority of the board of directors. And in case the said company shall organize and proceed to act as a corporate body before the whole amount of capital stock shall have been subscribed, the president and directors shall have power to receive further subscriptions. And it shall be lawful for bodies corporate and politic to subscribe for and be owners of the capital stock, or any part thereof, of said company. And the said company shall have power to connect their said railroad with any railroad or railroads that is or may be constructed on or near or across the route of its road, and the companies of such railroad or railroads so connected with, shall furnish all needful facilities for the transshipment of passengers and freight from and to the same.

Power to hold and convey real estate.

Subscriptions after organization.

Subscriptions by corporations.

Connections with other railroads.

5. Whenever five thousand shares of the said capital stock shall have been subscribed for, the said company may be organized by the election of nine directors, who from their own number may elect a president and vice president, and may appoint and provide for the necessary officers of said company. The said president and directors shall have power and authority to conduct all the business of said company, to borrow money for its use, to execute deeds of trust or mortgage on its property, in order to secure the payment of all its debts, contracts, or liabilities, or any of them.

Election of directors and officers.

Powers of directors.

6. The first meeting of the stockholders of said company shall be held at Clarksburg, in the county of Harrison, and all subsequent meetings at such place upon the line of said road as the directors from time to time may appoint. And the said stockholders shall have authority, at their first meeting or any subsequent meeting, to fix and determine the place of meeting of the directors and the principal office of said company.

First meeting of stockholders.

Principal office.

Branches.

7. The said company may and shall have full power and authority to locate, construct, and maintain any branch railroad or railroads not exceeding twenty miles in length.

Representation of bondholders in stockholders' meeting.

8. The stockholders of the said company may admit the bondholders under any mortgage authorized by the company to representation in the meetings of the stockholders, and determine the ratio of votes to be cast therein by them.

Exemption from taxation.

9. The property of the said company shall be exempt from taxation until its net earnings exceed ten per cent upon its capital stock.

Act may be amended, but not so as to affect rights of creditors or stockholders.

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

CHAPTER 42.—An ACT to amend and re-enact the first section of an act, entitled "An Act to incorporate the Guyandotte Valley Railroad Company," passed July 13, 1868.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That James Bumgardner, O. W. Mather, James H. Ferguson, E. D. Wright, and H. J. Samuels, of the county of Cabell; John Alford, Jerome Shelton, B. F. Curry, and John W. Ballard, of the county of Lincoln; Thomas Buchanan, Eli Gore, Jasper Perry, Tolbert S. Godley, Theophilus Fowler, Burbass C. Toney, and William W. McDonald, of the county of Logan; William N. Henderson, William Walker, Leroy B. Chambers, Charles Stewart, and Thomas Cook, of the county of Wyoming; William Prince, John Cook, Garner Caloway, and Sparil Bailey, of the county of Raleigh; Neville C. Beckley, T. J. Simpson, and George Crooks, of Jumping Branch, county of Mercer, and such other persons as may be-

come associated with them in the manner hereinafter provided, shall be and are hereby constituted a body politic and corporate, by the name of "The Guyandotte Valley Railroad Company," and by that name shall have succession, and have power to sue and be sued in any court whatever; and may have and use a common seal, with the right to alter or renew the same at pleasure; and shall have all the powers, rights and franchises necessary to locate, construct and maintain a railroad, to be known as "The Guyandotte Valley Railroad," to begin at some point at or near Barboursville, in the county of Cabell, and to run thence by the most practicable route by the way of the falls of Guyandotte river, in the county of Lincoln; Chapmansville, in the county of Logan; by Logan court-house to Wyoming court-house, in the county of Wyoming; thence up the Laurel Fork, by the way of the Skin Poplar Gap, Trap Hill, Raleigh court-house, Jumping Branch, to the mouth of Greenbrier river, in Monroe county. And the said company shall be and is hereby invested with all and singular the rights, powers, franchises and privileges for surveying, locating, constructing and equipping said railroad, and working, repairing, preserving, and controlling the same, and the necessary vehicles and appurtenances thereto belonging, for the safe, convenient transportation of freight and passengers thereon; and with the power and authority to charge and collect tolls on passengers thereon; and with the power and authority to collect tolls on passengers and freight on the same and every part thereof, which the Chesapeake and Ohio Railroad enjoys under the act incorporating said company, and the acts amendatory and supplementary relating thereto, and subject to any of the laws of this state, as if the same were hereby expressly enacted as part hereof.

Incorporation.

Style of company.

Construction of railroad.

Route of road.

Company invested with same powers as the Chesapeake and Ohio Railroad.

CHAPTER 43.—An ACT directing the auditor to allow a certain credit to Benjamin White, sheriff of Mercer county.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia:

The auditor is directed to allow Benjamin White, sheriff of Mercer county, a credit of two thousand one hundred and five dollars and sixty-six cents, for the year eighteen hundred

Credit of \$2,105.66 allowed.

and seventy, on account of taxes; the said sum being the amount of township drafts drawn by the county superintendent of schools, and paid by the said sheriff, on the levy of eighteen hundred and sixty-nine for general school purposes for said county; the said sum to be charged by the auditor to the said county, and deducted by the state superintendent of free schools from the apportionment of the general school fund to be made to the said county in the year eighteen hundred and seventy.

Deduction to be made from apportionment of 1870.

CHAPTER 44.—An ACT appropriating sixty thousand dollars for the further construction of the West Virginia Hospital for the Insane at Weston.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia :

\$60,000 appropriated.

Additional levy.

Auditor to issue warrants.

1. That the sum of sixty thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of the further construction of the West Virginia Hospital for the Insane, at Weston, and for that purpose five cents on each hundred dollars of taxable property be levied and collected in addition to the amount now levied and collected by law.

2. The auditor shall issue his warrant on the treasury from time to time, upon the orders of the board of directors of said hospital for the insane, for such sums as may be needed as the work progresses.

CHAPTER 45.—An ACT authorizing R. G. Dovener to establish a Ferry across the Little Kanawha River, at Newark, in Wirt county.

Passed February 26, 1870.

Be it enacted by the Legislature of West Virginia :

Ferry authorized.

To be governed by code, except as to distance from another ferry.

R. G. Dovener is hereby authorized to establish and keep a ferry across the Little Kanawha river, directly opposite the town of Newark, in Wirt county, near the mouth of Lee creek, which ferry shall be subject to and governed by all the provisions of chapter forty-four of the code of West Virginia, applicable to ferries, except that section six of said chapter, which prohibits a ferry being established over a water course within a half mile of another ferry, shall not affect this act.

CHAPTER 46.—An ACT to incorporate the Valley River Land, Lumber and Boom Company.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

1. Benjamin Wilson, William E. Porter, Reuben Davisson, Corporators.
 Henry G. Davis, and Samuel D. Schmucker, their representatives, assigns, and such other persons as may be associated with them, shall be and they are hereby constituted a body politic and corporate by the name of "The Valley River Land, Lumber and Boom Company," and by that name shall have succession, shall sue and be sued, plead and be impleaded, make and use a common seal and pass by-laws for the government of their said company, so that the same are not repugnant to the constitution and laws of this state, and the constitution of the United States. Incorporation. Powers of company. By-laws.

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

3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms, with or without piers, across the Valley river, so that the same do not extend below the northern boundary line of Taylor county, nor above the railroad bridge at Grafton, for the purpose of stopping and securing boats, rafts, saw-logs, and other timber of value. But such boom or booms shall be so constructed as to permit boats and rafts to pass them, without material delay, and without paying toll, boomage or other charge, and may erect shear booms on said river and may dredge and clean the channel of said river, and the main branches thereof, and remove obstructions therefrom, and may build saw-mills, and manufacture and sell lumber, and construct tram-railways, subject to the provisions of the code. Exclusive privileges of constructing booms within certain limits. Not to interfere with boats. Power of company.

Powers of corporation.

4. The said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, and to engage in mining and manufacturing, and to erect and maintain wharves on Valley river, subject to the provisions of the code concerning places of deposit, sale and shipment.

Rates of boomage on timber.

5. The said corporation may, by reason of its compliance with this act, charge and collect toll or boomage, at the rate of one dollar per thousand feet, board measure, for all square timber, saw-logs, boards, plank and other timber that may be floated, rafted or drifted into said boom, and stopped and retained by said boom, or by any other logs or other timber, in said boom, at any point or place not above said railroad bridge. The said corporation shall have a lien on all saw-logs and other timber and lumber thus boomed, for the payment of all toll on boomage and other expenses until the same shall be paid.

Lien for boomage.

Sale of unclaimed timber.

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

Disposition of proceeds of sale.

Penalty for injuring works of corporation.

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

thereof, may be punished by fine and imprisonment, in the discretion of the court.

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

Measurer of timber.

9. That should any boards, logs, or other timber belonging to said corporation be carried by the winds, by the force of the current, or otherwise, into any bays, creeks, coves, or upon the shore or any bar or flat lands, it shall be a penal offense for any person, or persons, except the owners thereof, to take possession of, sell or convert to his or their own use said logs or timber, punishable as provided in the seventh section of this act. The Valley river and its main branches are hereby declared a public highway. The corporation shall not be liable for any loss or damage that may be caused by fire or flood, or by the unlawful acts of any person or persons not in their employ.

Penalty for conversion of timber.

Valley river public highway.

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

Meaning of words "logs" and "timber."

11. That nothing in this act shall be so construed as to deprive the owners of mill property on the said river and branches thereof from recovering damages for injury to their property by the said corporation, their agents or employees.

Injury to mill property by corporation.

12. The right is reserved to the legislature to alter or amend this act. But such alteration or amendment shall not affect the rights of creditors, or impair the vested rights of the corporators.

Act may be amended. Proviso.

CHAPTER 47.—An ACT legalizing the acknowledgment of a certain deed to John B. Young, of Mineral county.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

The acknowledgment and recordation of a certain deed from Samuel D. Brady and wife to John B. Young, dated July fourth, eighteen hundred and sixty-one, are hereby declared to be legal and valid.

Deed from Brady and wife to Young legalized.

CHAPTER 48.—An ACT to amend and re-enact the charter of the town of Hedgesville, in the county of Berkeley, passed March 1, 1854.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

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

Corporate limits.

“1. The corporate limits of the town of Hedgesville shall be as follows, to-wit: Beginning at a stake on the west side of the Martinsburg and Bath road, near the corner of Moses C. Nadenbousch's tan-yard lot; thence north twenty-nine and three-fourths degrees, east twenty-eight and three-tenths poles, to a locust tree near the north corner of the grave yard; thence north nine degrees, east twelve and one-tenth poles, to a stake on the east side of an alley opposite William Schaffer's corner; thence across J. H. Miller's field, north forty-three and a half degrees, east fifty poles, to a stake in a line of the heirs of Adam Kreglow; thence with said line north eight and a half degrees, east ten poles, to a stake in said line; thence north sixty and a half degrees, west eighteen and three-tenths poles, to a stake; thence north fifty-two degrees, west seventy-one and five-tenths poles, to Jacob Spewer's line, on the road leading from Hedgesville to the mouth of Back creek; thence along said road south twenty-four and a half degrees, west sixteen and six-tenths poles, to a black-oak, corner to Washington Slaughter and Gilpin's; thence south forty degrees, west thirty-one and four-tenths poles, to the middle of the Potomac and Hedgesville graded road; thence along the same south thirty and three-fourths degrees, east five and four-tenths poles, to a corner of James M. Wilson's lots; thence along a line of the same south forty-six and a half degrees, west eleven and two-tenths poles, to a stake corner to same; thence with another of his lines south thirty-five degrees, east twenty-eight poles, to a stake corner to Zorn, Kook, Rickard and Wilson's line, south fifty-four degrees, west twenty-six and eight-tenths poles, to a stake corner to same, and in a line of Lewis F. Wilson; thence with said line south forty-three degrees, east nineteen and two-tenths poles, to a stake corner to said Wilson; thence south fifty and a half degrees, west twenty-eight poles, to a stake in Samuel Grabill's field; thence south thirty-nine and three-fourths degrees, east fifty-four poles, to a stake near the north-west base of the North Mountain; thence north forty-seven

and three-fourths degrees, east forty-three and one-tenth poles, to the beginning.

2. The municipal authorities of said town shall be a mayor, five councilmen, a sergeant, recorder, treasurer, and a superintendent of roads, streets and alleys, all of whom shall be elected annually by the citizens of said corporation (who may be entitled under this act to vote.) except the recorder and treasurer, who shall be appointed by the council from among their own number, and all of whom together shall constitute a common council.

Municipal authorities.

Common council

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

Bonds of sergeant and treasurer.

4. The mayor, sergeant, superintendent of roads, streets and alleys, and the councilmen, so soon as they have been elected and qualified as hereinafter provided, shall be a body politic, by the name of "The Town of Hedgesville," and shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded; may purchase and hold real estate and other property necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of the said corporation.

Town incorporated.

Corporate powers.

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

Corporate powers to be exercised by council.

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

Terms of office.

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

Qualifications for office.

8. The first election under this act shall be held on the first Monday in May, eighteen hundred and seventy, in the town of Hedgesville, under the supervision of a justice and in-

First election.

Annual elections. spector of elections of Hedgesville township; and annually thereafter there shall be an election in each year, at such time and place, and under such supervision, rules, and regulations as the council may prescribe. The officers conducting the first election shall grant a certificate of election to the persons elected, which certificate shall be recorded in the journal kept by the council.

Certificates of election.

Who may vote.

9. All white male persons residing in said town who shall have paid the town taxes, if any, assessed against them, for the preceding year, shall be entitled to vote at all elections held in pursuance of this act; but no person who is a minor or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in any election, or who has not been a resident of this state for one year, and of the said town for six months next preceding the day of election, shall be permitted to vote while such disability continues.

Vote by ballot.

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

The votes; how decided.

11. Whenever two or more persons shall receive an equal number of votes, for the same office, the persons under whose supervision the election was held shall decide which of them shall be returned as elected, and shall make their return accordingly.

Contested elections.

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

Vacancies in office.

13. Whenever a vacancy shall occur in any office, except that of treasurer or recorder, the sergeant shall order an election to fill said vacancy.

Oaths of office.

14. All the officers herein mentioned shall each, within ten days after receiving the certificate of his election, take and subscribe an oath that they will truly, faithfully, and impartially discharge the duties of their said offices, respectively, so long as they continue therein. And if any of these officers shall fail, within ten days, so to qualify, his office shall be vacant.

Failure to qualify.

Presiding officer of council.

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

16. The council shall cause to be kept, in a well bound book, an accurate record of its proceedings, by-laws, acts, and orders, which shall be open to the inspection of the citizens of the town. The proceedings of each meeting shall be read and corrected at the succeeding meeting, and signed by the person presiding for the time being. Upon the call of any member, the yeas and nays on any question shall be called, and recorded in the journal. The mayor or presiding officer shall not vote in common as a member of the council; but in all cases of a tie, the mayor or presiding officer shall have the casting vote.

Journal of council.

Yeas and nays.

Casting vote.

17. The council so constituted shall have power within said town to improve the streets, to lay off alleys or walks, and to regulate the width of the same, and to keep them in order; to purchase and lay off public grounds, and to erect, provide for, and take care of public buildings; to exercise jurisdiction and control of the stock watering places, town spring, and the grounds adjacent thereto, (reserved to the use of the said town by the heirs of Josiah Hedges, senior, deceased.) And they shall annually make appropriations of such sums of money as may be needed for the proper improvement and decoration of the same; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive, or unwholesome; to abate or cause to be abated anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder or other combustibles; to provide for shade and ornamental trees, and against danger or damage from fires or contagious diseases; to provide a revenue for the town, and appropriate the same; to make an annual assessment of the taxable persons and property of the town; to adopt rules for its government and the transaction of business; to appoint a treasurer and recorder, and to fill vacancies; to define the powers, prescribe the duties, fix the term of service and compensation of its appointees; require and take from them bonds, with such sureties and in such penalties as it may determine, conditioned to the full discharge and faithful performance of their duties, (all bonds to be payable to the town;) to regulate and provide for the weighing and measuring of hay, wool, and other articles sold, or for sale, in said town; to prohibit the sale of intoxicating drinks within the town; to give an additional license, and to require a tax

Powers of council.

Powers of council.

on the same, for anything for which a state license is required, to be done within the said town; and generally to do such things for the prosperity, quiet and good order of the citizens of said town; to adopt and enforce all needful ordinances not contrary to the constitution and laws of this state, and to impose fines and penalties not exceeding payment of ten dollars, or imprisonment for ten days, under judgment and order of the mayor, or in his absence or inability, of the person lawfully exercising its functions. The council, with consent of the supervisors of Berkeley county, entered of record, may use the jail of said county for its purposes.

Annual levy.

18. The annual levy ordered by the council may be upon the tax lists made by the proper officers for taxation for state and county purposes, provided that the amount levied in any year shall not exceed forty cents on each hundred dollars of the valuation of such property, for state and county purposes, and one dollar on each titheable or male person over eighteen years of age.

Sergeant; his powers, duties, and compensation.

19. The sergeant shall collect the town taxes, fines, levies and licenses, and, after ten days from the time of ascertaining and receiving the assessment made by order of the council, may distrain and levy therefor in like manner as the sheriff may do for state taxes, and shall in all respects have the same power to enforce the payment and collection thereof, and shall within the limits of the town, exercise all the duties that a constable can lawfully exercise in regard to the collection of claims, and executing and levying processes, entitled to the same compensation therefor, and liable to all the fines, penalties and forfeitures, together with his sureties, that a constable is legally liable to; to be recovered in the same manner and before the same tribunals that the same are now recovered against constables.

Mayor; his powers and duties.

20. The mayor shall be the chief executive officer of the town; shall take care that the by-laws and ordinances of the council are faithfully executed. He shall be ex-officio a conservator and justice of the peace, within the corporation, and as such shall exercise the powers and duties therein in matters pertaining to the corporation; but shall have no jurisdiction whatever in civil cases, but for offenses committed against the corporate laws, he shall have power to impose reasonable

fines, penalties, and costs, and in default of such payment he may commit the party in default to the jail of Berkeley county, until the fine and costs be paid; provided, the term of imprisonment shall not exceed ten days, nor shall any fine be imposed exceeding ten dollars.

21. The recorder shall keep a journal of the proceedings of the council, and shall have charge of and preserve the records of the town. Recorder.

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

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

24. When four of the newly elected members shall have been duly qualified, they shall enter upon the duties of their said offices and supersede the former council. When new council
to take office.

25. Anything for which a state license is required to be done in said town, the council may require a town license to be had for so doing the same, and may impose a tax thereon for the use of the town, and the council may, in any case, require from the person so licensed a bond with securities, in such penalties and with such conditions as it may determine. The council may also prohibit any theatrical or other performance, show or other exhibition, it may deem injurious to the morals or good order of the town. Licenses.
Prohibition of
shows.

26. The superintendent of roads, streets and alleys shall receive a compensation for his services, fixed by the council, which shall not be increased or diminished for the term for which he was elected. Compensation of
superintendent
of streets.

Land not to be taken for streets except upon payment of damages.

27. No new street, alley or foot-path, (not heretofore provided by survey,) shall be laid off on or opened through any lands within the corporate limits of the said town, unless the owners of said lands be first duly compensated by assessment and payment of proper damages.

Incorporation to be void, on failure to carry out charter.

28. Whenever the mayor and trustees of said town shall fail in any one year to cause to be levied a tax upon the property, both real and personal, of said town, for the purpose of keeping in repair the streets and alleys thereof, or shall fail in any way to carry out the provisions of the original act of incorporation, or this amendatory act, all such acts of incorporation shall be null and void, and the property of the citizens of said town shall be liable to be assessed with county taxes for all purposes, as well as road tax.

Act may be amended.

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

CHAPTER 49.—An ACT to authorize the Board of Public Works to audit claims against the State of Virginia.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

Claims within this state may be audited.

That the board of public works are hereby authorized to audit all claims against the state of Virginia, which are due and unpaid within the bounds of this state, and report to the next legislature.

CHAPTER 50.—An ACT to authorize Solomon Fleisher, of Highland county, Virginia, to send his children to school in West Virginia.

Passed February 23, 1870.

Be it enacted by the Legislature of West Virginia :

Fleisher authorized to send children to school in Franklin township, Pendleton county.

That Solomon Fleisher, of Highland county, state of Virginia, is hereby authorized to educate his children, free of charge, other than that provided by law, at the free school in Franklin township, Pendleton county, West Virginia, so long as he continues in his present situation.

CHAPTER 51.—An ACT to amend the law relating to sales under deeds of trust.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

Section six of chapter seventy-two of the Code of West Virginia is hereby amended and re-enacted so as to read as follows :

“ 6. The trustee in any such deed, except so far as may be therein otherwise provided, shall, whenever required by any creditor secured or any surety indemnified by the deed, or the personal representative of any such creditor or surety, after the debt due to such creditor, or for which such surety may be liable, shall have become payable, and default shall have been made in the payment thereof, or of any part thereof, by the grantor, sell the property conveyed by the deed, or so much thereof as may be necessary, at public auction, for cash, having first given reasonable notice of the time and place of sale; and shall apply the proceeds of sale, first to the payment of expenses attending the execution of the trust, including a commission to the trustee of five per cent on the first three hundred dollars, and two per cent on the residue of the proceeds, and then pro rata, (or in the order of priority, if any, prescribed by the deed,) to the payment of the debts secured, and the indemnity of the sureties indemnified by the deed, and shall pay the surplus, if any, to the grantor, his heirs, personal representatives or assigns.”

Trustee to sell on default, if required.

Notice of sale.

Application of proceeds.

CHAPTER 52.—An ACT to authorize the Young Ladies' Institute of Wheeling to confer literary degrees.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

That the Young Ladies' Institute, an institution of learning for the thorough and systematic education of females, situated in the city of Wheeling, in the county of Ohio, and conducted by Professor W. Sheldon Hutchins and Mrs W. S. Hutchins, principals, shall have the power to confer such literary degrees as are usually conferred by the female institutions of similar character.

Authority to confer degrees.

CHAPTER 53.—An ACT to refund certain taxes.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

§50 67 appropri-
 tted to refund
 taxes to E. Kim-
 berling, adm'r.

The auditor is hereby directed to issue his warrant upon the treasury for eighty dollars and sixty-seven cents, in favor of E. Kimberling, administrator of Samuel Windon, deceased, for state and state school taxes erroneously paid for the year eighteen hundred and sixty-six, on one hundred and sixty-one and a quarter acres of land, situate in Waggener town-ship, Mason county.

CHAPTER 54.—An ACT to repeal an act passed March 5, 1868, entitled "An act enlarging and extending the corporate limits of the town of Weston, Lewis county."

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

Corporate limits.

The act passed March fifth, eighteen hundred and sixty-eight, entitled "An act enlarging and extending the corporate limits of the town of Weston, in Lewis county," is hereby repealed, and the corporate limits of the said town of Weston shall stand and remain as they were before the passage of the said act.

CHAPTER 55.—An ACT to amend the charter of the town of Elizabeth, in the county of Wirt.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

1. The first and eighth sections of an act entitled "An act to amend the charter of the town of Elizabeth in the county of Wirt," passed February twentieth, eighteen hundred and sixty-seven, be amended and re-enacted so as to read as follows :

Corporate limits.

"1. The corporate limits and boundaries of the town of Elizabeth, in Wirt county, shall be as follows: Beginning at a post on the bank of the Little Kanawha river at the mouth of a drain below the house of Mrs. Nancy Petty, and run-

ning thence south nineteen degrees west one hundred and thirteen poles to a stake; thence south eighty-two and one-half degrees east seventy-eight poles, running with a line of L. C. Rogers' and S. P. Barnes' land to the north-west corner of a lot owned by S. Devies; thence south five and one-half degrees west with a line of William Gibson's lot, thirty-four poles to a stake in L. D. Woodyard's line; thence south eighty-eight and one-half degrees east seventy poles to the Little Kanawha river, thence to the opposite side thereof, thence down said river with the meanders thereof to a stake opposite the place of beginning; thence across said river to the place of beginning."

"8. All persons who have resided in said town for thirty days next preceding the town election at which they offer to vote, or who, though not residents of the town, own a free hold therein, shall be entitled to vote at town elections, if they are qualified to vote at the general elections for state and county officers, but no person who is not a resident of said town shall be elected or appointed to any office therein."

Who may vote at town elections.

2. The twenty-seventh section of the act aforesaid is hereby repealed.

Sec. 27 repealed.

CHAPTER 56.—An ACT to amend an act entitled "An Act to incorporate the Martinsburg and Potomac Railroad Company," passed February 19, 1868.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the first section of the act passed February nineteenth, eighteen hundred and sixty-eight, entitled "An Act to incorporate the Martinsburg and Potomac Railroad Company," be so amended as to read :

"1. For the purpose of constructing a railroad from a point opposite the termination of the Franklin railroad extension, on the south bank of the Potomac river, by the most suitable and convenient route to the town of Martinsburg, in the county of Berkeley, thence to some point on the state line, between the county of Frederick and the county of Berkeley, and thence to the town of Winchester, in Virginia, if so au-

Route of railroad.

Connection with
Franklin Rail-
road Company.

thorized by the legislature of that state; and the said company shall have power and authority so to construct their road at its terminus on the Potomac river, as to connect the same with any other road or bridge which shall be constructed to that point by the Franklin Railroad Company in the state of Maryland, and to make such arrangements and contracts with the said Franklin Railroad Company concerning said connection and the future operations and use of the road hereby authorized to be made, as shall secure a continuous and convenient through passage and business over the entire roads, by either or both the said companies."

Company may
borrow money
and secure its
payment.

2. And the said railroad company, incorporated by the act of which this is supplementary, shall have power and authority to borrow a sum not exceeding five hundred thousand dollars, to be applied to the construction of said road, and to secure the same by bonds and mortgage of the said road, its franchise and stock, at such rate of interest, not exceeding ten per cent, as will enable the company to procure the same.

Subscription by
Berkeley county.

3. The sixth section of said act is so amended as to read:
"3. That if at any election held under an order of the board of supervisors, as therein provided, to determine whether said county will subscribe to the stock of said Martinsburg and Potomac Company, a majority of the legal votes cast shall be in favor of said subscription, then the said board of supervisors shall appoint an agent to subscribe for the amount which may have been authorized by said vote of the county, &c."

Who may vote
on question of
subscription.

4. All male persons residing in the county of Berkeley on the day when said election shall take place, except minors, paupers, persons of unsound mind, or under conviction of felony, shall be entitled to vote on the question of assenting to or rejecting the subscription authorized in the sixth section of said act.

CHAPTER 57.—An ACT to authorize the judge of the Municipal Court of Wheeling to appoint a clerk pro tempore.

Passed February 28, 1870.

Be it enacted by the Legislature of West Virginia:

Authority to ap-
point clerk pro
tempore.

The judge of the municipal court of Wheeling is hereby authorized, when necessary, to appoint a clerk for said court

pro tempore, and if, in his judgment, it be requisite, to require such clerk pro tempore to give bond and security with the condition prescribed by the sixth section of chapter ten of the code of West Virginia.

Bond of clerk
pro tempore.

CHAPTER 58.—An ACT to provide free schools for the district of Ravenswood, in the county of Jackson.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia:

1. The town of Ravenswood and school district two, in Gilmer township, Jackson county, as now bounded and designated, shall constitute one school district, and the board of education shall consist of three commissioners, who shall be elected by the resident voters of said district, and have exclusive control of all schools within the same.

School district
established.

Board of educa-
tion.

2. The property, real and personal, within the district of Ravenswood, now vested in the board of education of Gilmer township, shall by this act vest in the board of education of the district of Ravenswood, which board shall have the same right, and shall exercise the same powers, perform the same duties, and be governed by the same laws that boards of education of townships are, except so far as may be otherwise provided in this act. Wherever the word "township" occurs in the school law, it shall be construed to mean "school district," whenever necessary to give effect to this act.

Property vested
in board.

Powers and du-
ties of board.

3. The board of education of said district herein provided for shall be a corporation by the name of The Board of Education of the District of Ravenswood, and by that name may sue and be sued, plead and be impleaded, purchase, hold, and grant so much estate, real and personal, as may be necessary for the purposes of this act, make ordinances, by-laws, and regulations, not inconsistent with the laws of this state, for the government of all persons and things under its authority, and the proper conducting of its affairs.

Board incorpo-
rated.

Powers of cor-
poration.

4. The qualified voters of the said school district of Ravenswood shall, on the third Monday in March next, and annually thereafter, at the same time and place at which the

Election of com-
missioners.

Commissioners and treasurer. borough officers of the town of Ravenswood are elected, elect three commissioners and one treasurer. Said treasurer shall qualify and give bond as now required of township treasurers. The council of the town of Ravenswood shall appoint three voters of said district to conduct said election.

Terms of office. 5. The official term of the commissioners to be elected under this act shall commence on the first day of May next succeeding their election, except the officers first elected, whose term of office shall commence as soon after this election as they may qualify, and shall continue in office until their successors are elected and qualified, unless said election be to fill a vacancy, in which event the persons so elected shall commence the duties of their said office within five days after they shall have been notified of their election. The provisions of the general school laws in relation to the appointment of trustees shall not apply to the district of Ravenswood.

Provisions of general law as to trustees not to apply to district.

President and clerk of board. 6. The board of education of the school district of Ravenswood shall, at their first meeting, or as soon thereafter as may be practicable, elect one of their number to act as president, and another to act as clerk of said board, who shall perform all the duties which are required to be performed by the president and clerk of a township, which may not be inconsistent with this act.

Primary schools and high school. 7. The board of education of the said district of Ravenswood shall have power to establish an adequate number of primary schools, and a central high school, by such name as may be prescribed by said board, in which may be taught all the branches of education usually taught in colleges, and shall have power to admit to said schools pupils not resident in said district, upon payment of such tuition as they may prescribe.

Non-resident pupils.

Annual levy. 8. It shall be the duty of the board of education of said district to determine, at their annual meeting, on the first Monday in May, as near as practicable, the amount of money necessary to be levied, in addition to all other available funds, to carry on schools within said district for not less than nine months during the succeeding year, for which amount said board shall levy a tax upon the property included in said

district, and collect the same; and a lien is hereby declared to exist on the real estate taxable in said district, for all taxes levied thereon; and the said board shall carry into effect the provisions of this act, in the same manner as other school tax is collected under the provisions of the general school laws of this state. The said school district shall not be entitled to receive its share of the state school fund for any year, until the board of education thereof shall have first levied the tax above provided.

Lien for taxes.

District not to receive any of state fund unless district levy is made.

9. The taxes raised in said district for school and building purposes shall never exceed the rate prescribed in the law relating to general free schools, and the amount so levied and collected, as aforesaid, may be entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education, from time to time, may deem expedient, but shall not be used for any other purpose.

Rate of taxation.

Application of taxes.

CHAPTER 59.—An ACT to authorize constables to receive fee bills for collection, and collect the same by distress.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia:

Section twenty of the one hundred and thirty-seventh chapter of the code of West Virginia is hereby amended and re-enacted so as to read as follows:

“20. Any officer mentioned in this chapter, or his personal representative, if he be dead, may, on or before the first day of December in any year, deliver fee bills, duly signed, to any sheriff, constable, or collector of the public taxes, who shall receive and endeavor to collect the same. A sheriff, constable or collector may distrain therefor, or for any fee bills due himself, such property of the person to whom the fees are chargeable, as might be levied on under a writ of fieri facias against him, except as hereinafter mentioned; and the twelfth, thirteenth and fourteenth sections of chapter thirty shall apply to such fee bills in like manner as to taxes.”

Certain officers to collect fee bills.

Authority to distrain.

CHAPTER 60.—An ACT to establish a branch Normal School at West Liberty, in Ohio county.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

West Liberty
branch normal
school estab-
lished.\$1,000 appropri-
ated for repairing
building.

That the building known as the "Academy building," situated in West Liberty, in Ohio county, and purchased by the board of regents of the normal schools of this state, be and the same is hereby placed on the same footing, and subject to the same regulations as the other branches of the state normal school. And be it further enacted that the sum of one thousand dollars be appropriated out of the state fund, and placed at the disposal of the said board of regents for the purpose of putting the said building in proper repair for immediate occupation.

CHAPTER 61.—An ACT to authorize the city of Wheeling to borrow money for the purpose of buying the Wheeling Gas Works.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

Authority to bor-
row money and
issue bonds.

The city of Wheeling is hereby authorized to borrow money for such time and upon such terms as may be agreed upon, for the purpose of purchasing the gas works in said city, and issue bonds, or other evidences of debt, with or without coupons, for such loan or loans.

CHAPTER 62.—An ACT to authorize the supervisors of Wirt county to grant relief to Benjamin S. Benson from erroneous assessments made in 1865 and 1866.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

Supervisors au-
thorized to re-
fund taxes.

The supervisors of Wirt county are hereby authorized to make an order refunding to Benjamin S. Benson the amount of taxes found to be erroneously assessed and paid on four hundred and eleven acres of land in said county, for the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

CHAPTER 63.—An ACT to authorize the congregation and trustees of Perry Chapel, church of the United Brethren in Christ, in the city of Parkersburg, to borrow money.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the trustees of Perry Chapel, Church of the United Brethren in Christ, in the city of Parkersburg, or the congregation thereof, is hereby authorized to borrow a sum of money, not exceeding three thousand dollars, for the purpose of completing their church edifice, and such other purposes as shall be necessary for the convenience and comfort of said congregation. Authority to borrow \$3,000.

2. The said trustees are further authorized to make and execute such necessary notes, mortgages or deeds of trust upon said church property as shall be required to carry into effect the provisions of the foregoing section, to have the same force and effect, and to be as valid and binding upon said church property, as if the same were executed by an individual. Authority to execute notes, mortgages, &c.

CHAPTER 64.—An ACT amending and re-enacting section 7, chapter 118, of the Code of West Virginia, in relation to the probate of wills.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

That section seven of chapter one hundred and eighteen of the code of West Virginia be amended and re-enacted so as to read as follows :

"7. A person offering, or intending to offer, to a recorder a will for probate may obtain from such recorder process, directed to the proper officer of any county or corporation, requiring him to summon any person interested in such probate, to appear before such recorder at a time named therein, to show cause why the said will should not be admitted to record. The process shall be served upon every person found within the county or state, in the same manner as notices, and upon any person interested, who is a non-resident of this state, by order of publication ; and to any person so interested, who is an infant, or of unsound mind, a guardian ad litem Process against parties interested.

shall be assigned. When such process shall have been properly served, and such guardian ad litem shall have been assigned, the recorder may proceed to probate such will. Such recorder may, however, without summoning any party, proceed to probate and admit the will to record, or reject the same."

Probate without
summoning parties.

CHAPTER 65.—An ACT to amend the fifth section of an act entitled "An Act creating a school district within the town of Philippi."

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

The fifth section of an act entitled "An Act creating a school district in the town of Philippi," is amended and re-enacted as follows :

"5. The qualified voters of the school district of Philippi shall, on or before the first Monday in April next, elect five commissioners, as hereinbefore provided for, and the board of supervisors of Barbour county shall appoint three voters to conduct said election ; and the annual election thereafter for said commissioners shall be held at the same time and place, and by the officers conducting elections for the township of Philippi."

Election for commissioners.

CHAPTER 66.—An ACT authorizing the trustees of Zion Church, Episcopal, in Charlestown, Jefferson county, to sell and convey their parsonage property in said town.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

The trustees of Zion Church, Episcopal, St. Andrews' parish, Charlestown, are hereby authorized to sell and convey their parsonage property in said town.

Authority to sell parsonage.

CHAPTER 67.—An ACT to amend section 25 of chapter 63 of the Code, relating to registers of births and deaths.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

The recorder of every county, on or before the first day of September, in every year, instead of the first day of July, as

Time of transmitting register.

heretofore prescribed by law, shall transmit to the auditor a copy of his register of the births and register of the deaths happening within the year ending on the first day of January next preceding.

CHAPTER 68.—An act providing for the payment of a claim due Peter A. Snowden, of Hancock county.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

The auditor is hereby authorized to issue his warrant on the treasury for the sum of thirty dollars, in favor of Peter A. Snowden, of Hancock county, in payment of a claim due said Snowden for services performed as drummer for first regiment, first brigade, first division, West Virginia militia, in the year eighteen hundred and sixty-four.

\$30 appropriated to pay for services as drummer.

CHAPTER 69.—An ACT for the relief of John A. J. Hull, treasurer of Union township, Monroe county.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

That John A. J. Hull, treasurer of Union township, in Monroe county, and his successor, may enforce the payment of all the uncollected taxes and levies assessed and made in said township by the board of education thereof, for the year eighteen hundred and sixty-seven, now in his hands for collection, by distress and sale of property, in the manner now provided by law, for two years from the passage of this act.

Authority to distraint for certain taxes and levies.

CHAPTER 70.—An ACT to incorporate the Roney's Point and West Union Turnpike Company.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books for receiving subscriptions to an amount not exceeding twenty-five thousand dol-

Subscription books.

Capital stock	lars, to be divided into shares of fifteen dollars each, to constitute a joint capital stock company for constructing a turnpike road from the town of West Union, West-Virginia, to a point on the National pike, known as Roney's Point. The
Commissioners to open books.	The said books shall be opened under the direction of A. Bedilion, J. M. Dever, A. H. Kimmins, J. H. Oldham, J. Robinson, Brice Supler, and E. C. McCausland, or any one or more of them, at the store of A. Bedilion, and at any such other places, and under such agents, as the majority of the above board may direct.
Incorporation.	2. When the sum of one thousand dollars shall have been subscribed, the subscribers, their executors, administrators, and assigns, shall be incorporated into a company, by the
Style of company.	name and style of "The Roney's Point and West Union Turnpike Company," subject to the provisions of the code
Width and grade of road.	of West Virginia, except that the grade of said road is not to exceed five degrees, and the width thereof to be not less than fifteen nor more than thirty feet. The said company
Material of road.	also reserves to themselves the right of constructing the said road of such material as may seem to them the most proper and expedient. The said company also reserves the right of
Toll-gates and tolls.	putting on toll-gates near either end of said road, or at any other point the board may determine, so soon as the said road or parts thereof may be finished, but the toll collected thereon shall in no case exceed that specified by law. The boards of
Subscription by Marshall and Ohio counties.	supervisors of Marshall and Ohio counties, in behalf of their respective counties, may subscribe to the capital stock of said company a sum not exceeding one-fifth of said capital stock for each respective county, and the said boards are hereby empowered to levy and collect the same as other taxes. The said board reserves the right of making all rules, regulations and by-laws for the government of said corporation. The legislature also reserves the right to alter or amend the above act as they may think proper.
By-laws.	
Act may be amended.	

CHAPTER 71.—An ACT to incorporate the Charleston Bridge Company.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia:

Corporators,

1. That it shall and may be lawful for Thomas B. Swann, Charles Hedrick, James M. Laidley, William H. Hogeman,

Henry Brockerhoff, Stephen Werts, P. H. Galligher, Edward B. Knight, James H. Huling, John W. Cracraft, J. G. Breslin, James H. Nash, and William A. Quarrier, or any five of them, to open books at Charleston, and at such other places in the county of Kanawha as they may think proper, for receiving subscriptions to an amount not less than twenty thousand dollars, nor more than two hundred thousand dollars, in shares of two hundred and fifty dollars each, for the purpose of erecting a bridge across the Great Kanawha river, at or near the town of Charleston, in the county of Kanawha.

Subscription books.

Capital stock.

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

Notice of opening books.

General meeting of subscribers.

Quorum.

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

Incorporation.

Powers of corporation.

Bylaws.

4. The stockholders, at their first general meeting, and at their stated general meeting thereafter, to be held in each year at such times as the by-laws may prescribe, shall elect seven directors of said company, being stockholders, who shall remain in office one year from the time of their election, and until their successors are appointed. As soon as may be

Directors;

their term of office.

President. after their election, the board of directors shall choose one of their own body president of said company, who shall act as such for the term of one year, and until his successor is appointed. During the absence of the president the board may appoint a president pro tempore, who for the time shall discharge the duties of the president. A majority of the board of directors shall constitute a quorum for the transaction of business.

Quorum of directors.

Construction of bridge.

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

Payment of subscriptions.

Sale of stock in default.

Stock to be personal estate.

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

Ground for abutments of bridge.

7. The said company shall have power to acquire and hold such ground, not exceeding one acre, on each side of the Great Kanawha river, as may be necessary for the abutments of said bridge, toll-houses and other necessary purposes, and if the company shall not be able to agree with the owner or owners

of such land for the acquisition thereof, they may proceed in the manner now provided in chapter forty-two of the code of West Virginia, to acquire such land; and upon the payment of the damages, if any, ascertained and found by the commissioners provided for in said chapter forty-two, by said company to the owner or owners of said land, or into court, when so required, the said company shall stand seized in fee simple of the ground so condemned.

Condemnation of land.

8. The said company, so soon as the said bridge shall be completed and fit for use, shall be authorized to demand and receive thereat a rate of tolls not exceeding the following, to-wit: for every man on foot, five cents; for every man on horseback, ten cents; for loose or led horses, five cents each; for every wagon drawn by two horses, twenty cents; for every additional horse attached thereto, five cents; for every ox-cart or wagon drawn by two oxen, fifteen cents; for every additional one attached thereto, five cents; for every dray and horse, fifteen cents; for every carriage on springs, drawn by two horses, twenty cents; for every spring carriage drawn by one horse, fifteen cents; for every score of cattle, twenty cents; for every score of hogs or sheep, ten cents. If the collector of tolls at said bridge shall demand and receive for the use thereof, from any person, greater toll than aforesaid, the said company shall, for every such offense, forfeit and pay to the party aggrieved the toll so demanded and five dollars, to be recovered, with costs, before any justice of the peace of the township in which such offense was committed.

Rates of toll.

Penalty for demanding excessive toll.

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

Bridge to be completed in four years.

Penalty for failure to keep bridge in repair.

If failure caused by company's want of diligence.

Government troops and expresses to pass free.

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

Act may be amended.

11. The Legislature reserves the right to alter or amend this act.

CHAPTER 72.—An ACT for the relief of Thomas Ferrell, late sheriff of Roane county, and his deputies, or the personal representatives of any such deputy.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

Authority to distress for uncollected taxes, &c.

1. It shall be lawful to collect by distress or levy, within two years from the passage of this act, any taxes or fee bills remaining uncollected in the hands of Thomas Ferrell, late sheriff of Roane county, or in the hands of any of his deputies, or the personal representative of any deputy.

Authority to place taxes in hands of other sheriffs for collection.

2. It shall be lawful for said late sheriff, or any of his deputies, or the personal representative of such deputy, to place any such uncollected taxes and fee bills in the hands of the sheriff of any county where parties may reside who owe any such taxes or fee bills. And such sheriff shall be liable to said late sheriff and deputies, or personal representatives, aforesaid, for the amount collected on such taxes and fee bills, on their respective official bonds. On the amount collected by any such sheriff, he shall be allowed a commission of ten per cent in his settlement. Provided, that in every case the party against whom such tax or fee bill is may, on notice to the officer in whose hands the same have been placed for collection, move the circuit court of the county to quash the same, and the court, on such motion, may order the same to be quashed, if good cause therefor be shown.

Commission for collection.

Tax or fee bill may be quashed.

CHAPTER 73.—An ACT to amend and re-enact section 66 of chapter 39 of the Code of West Virginia, in reference to allowances to certain county officers.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia :

Section sixty-six of chapter thirty-nine of the Code of West Virginia is hereby amended and re-enacted so as to read as follows :

“66. The supervisors 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 quarterly out of the county treasury, as are deemed reasonable by the board, within the limits ascertained by law, that is to say: to the sheriff, not less than fifty nor more than two hundred dollars; clerk of the circuit court, not less than fifty nor more than two hundred dollars; recorder, not less than twenty-five nor more than one hundred dollars; jailors, not less than thirty nor more than sixty dollars; and prosecuting attorney, not less than one hundred nor more than six hundred dollars, except that the prosecuting attorney of Ohio county shall be allowed annually not less than six hundred nor more than twelve hundred dollars, and except further, that the clerk of the circuit court of said county shall be allowed annually not less than three hundred and fifty nor more than five hundred dollars. But no extra compensation shall be allowed to any public officer after his service shall have been rendered, nor shall the salary or compensation of any public officer be increased or diminished during his term of office.”

Limits of allowances.

Limits changed as to clerk of circuit court of Ohio county.

Compensation not to be changed during term.

CHAPTER 74.—An ACT requiring the German language to be taught in the Free Schools of Martinsburg.

Passed March 1, 1870.

Be it enacted by the Legislature of West Virginia:

That the board of education of the township of Martinsburg, in Berkeley county, be required to have the German language regularly taught in the free school of said township; and for which purpose the trustees of said school shall employ a German male teacher, capable of giving instruction in all the branches required to be taught in the free schools of this state, in both the English and German languages. All acts or parts of acts inconsistent with this act are hereby repealed.

German male teacher to be employed.

CHAPTER 75.—An ACT to incorporate the West Virginia Historical Society.

Passed March 2, 1870.

Preamble.

WHEREAS, the persons hereinafter named, and others, have formed themselves into an association, under the name of "The West Virginia Historical Society," for the purpose of discovering, procuring and preserving whatever may relate to the natural, civil, literary and ecclesiastical history of the United States in general, and of this state in particular, and have presented a petition to the legislature to be incorporated, that thereby the purpose and design of said society may be the more effectually subserved and promoted; therefore,

Objects of the society.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Alexander Martin, John J. Stevenson, Samuel G. Stevens, John J. Brown, George C. Sturgiss, Thomas H. Logan, William E. Stevenson, Francis H. Peirpoint, Alpheus F. Haymond, Benjamin F. Martin, David H. Strother, J. Loomis Gould, Thomas M. Harris, W. K. Pendleton, John C. Hupp, E. A. Hildreth, William J. Bates, James C. McGrew, J. H. Lockwood, James Logie, Henry G. Davis, Joseph T. Hoke, Luther Haymond, James M. Jackson, Hedge-man Slack, A. E. Summers, Lewis Ruffner, W. W. Harper, Arthur I. Boreman, Samuel Billingsly, D. D. T. Farnsworth, William R. White, Joel McPherson, Benjamin H. Smith, Gideon D. Camden, and Chester D. Hubbard, and their associates, who now are, and such other persons as shall hereafter

Incorporation.

become, members of said society, shall be and hereby are constituted and declared a body corporate and politic, in fact and in name, by the name of "The West Virginia Historical Society," and that by such name they and their successors forever hereafter shall and may have succession, and by the same name be capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, in all manner of actions, suits, complaints, and matters whatsoever; and they and their successors may have a common seal, and may alter, change or renew the same at their pleasure, and by the same be capable forever hereafter to purchase, take, hold, and enjoy to them and their successors, any lands, tenements, hereditaments, goods, chattels or estate, real and personal, of whatever nature or quality, in fee simple, for life or lives, or for years, or in any other manner whatsoever; but the

Power of corporation.

clear yearly income of such real and personal estate, over and above the library and collections of said society, shall not at any time exceed ten thousand dollars. Limit to property.

2. They and their successors, by the said name, shall have power and authority to give, grant, bargain, sell, lease or release, and convey to others, the whole or any part of such real and personal estate, on such terms and in such manner and form as said society may deem eligible to subserve and promote the design and purpose of said society; and they and their successors shall have power, from time to time, to abolish any of the offices or appointments hereinafter mentioned, or create others in their room, with such powers and duties as they may think fit to confer and prescribe, and shall have power, from time to time, to make, constitute and ordain such constitutions, by-laws, rules and regulations as they shall judge proper for the election of officers, the election and admission of new members, for the government and regulation of officers and members, for fixing the times and places of the meetings of said corporation, and for conducting, regulating and managing all the affairs and business of said corporation; and the same, from time to time, to alter, change, repeal and annul, at their pleasure; and the constitution and by-laws, rules and regulations of said society, heretofore made and adopted, and now existing, shall and may remain in force until altered or repealed by said corporation; provided, that said constitution, by-laws, rules and regulations, made or to be made by the said corporation, shall not be repugnant to the constitution or laws of the United States or of this state. Power to hold property, create and abolish offices, make by-laws, and regulate affairs of corporation. Present constitution to remain in force. Proviso.

3. The officers of said society, until otherwise ordained by the said corporation, shall consist of one president, five vice-presidents, a corresponding secretary, a recording secretary, a treasurer, a curator, and an executive committee of nine members; and until the next annual meeting of said society, and until others shall be chosen in their places, the present officers and committees last appointed or elected by the said society, shall be and continue respectively the officers of said corporation. Officers. Present officers to continue in office until next annual meeting.

4. This act shall be and is hereby declared to be a public act, and shall be construed most favorably to promote and Act declared public.

Misnomer not to affect grant to corporation.

subserve the interests and purposes of said society; and no misnomer of said corporation in any deed, will, testament, gift, grant, or other instrument of contract or conveyance shall vitiate or defeat the same; provided, said corporation shall be sufficiently described to show the intention of the parties.

Corporation to cease if it misapplies its funds.

5. In case said society shall at any time appropriate their funds or any part thereof, to any purpose or purposes other than those contemplated in this act, and shall be thereof convicted by due course of law, then the said corporation shall thenceforth cease and determine, and the estate, real and personal, whereof it may be seized and possession shall vest in the people of the state.

Act may be amended.

6. The legislature may at any time alter or repeal this act.

CHAPTER 76.—An ACT to extend and prescribe the limits of the town of Kingwood, and to provide for the burial of the dead.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

1. The corporate limits and boundaries of the town of Kingwood, in the county of Preston, shall be as follows: Beginning at the Herndon spring, at the north end of Price street in said town, and running thence north eighty-seven and one-half degrees west ninety poles to a stone in the Kelso line, west of the turnpike road leading to Morgantown; thence south thirteen degrees east thirteen poles to a spring in Herndon field; thence, continuing the same bearing, fifty-two poles to a stone in John R. Stone's field; thence south eighty-seven and one-half degrees east to the southwest corner of lot numbered fifteen of Price's addition to said town; thence, continuing with same bearing, parallel to and with the south ends of the lots at the south side of said town, to a stake in James W. Parks' field, and in a direct line with the east side of lots numbered twenty and forty of the original plan of said town; thence north two and one-half degrees, east sixty-two and one-half poles, with the eastern line of said

Corporate limits.

lots numbered twenty and forty, and extending beyond the same to a stake in Elijah Shafer's field ; thence north eighty-seven and one-half degrees west one hundred and twenty-four poles to the beginning.

2. The powers, duties, and obligations of the municipal authorities of said town shall be and remain as heretofore prescribed by law, and shall hereafter extend to and be exercised within the boundaries specified in section one of this act. Powers of municipal authorities.

3. The trustees of said town shall have power to provide for the burial of the dead ; and for this purpose may purchase and hold in their corporate capacity the necessary land for a cemetery near or convenient to said town, and to provide for its improvement and security. Burial of dead. Purchase of cemetery authorized.

CHAPTER 77.—An ACT to change the number of Steuben Lodge of Hori Gori, at Martinsburg.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

That the secretary of state be hereby directed and empowered to change the number of Steuben Lodge, of the German order of Hori Gori, at Martinsburg, from thirty-six to sixty-nine. Number to be changed from 36 to 60.

CHAPTER 78.—An ACT to incorporate the Pennsylvania and West Virginia Railway Company.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

1. That Waitman T. Willey, David H. Chadwick, William Wagner, Samuel Sears, George M. Hagans, James Fisk, Jr., Henry B. Lazier, William R. Griffith, John J. Brown, J. M. Hagans, John H. Hoffman, E. H. Coombs, A. L. Wade, George W. Brown, John W. Mason, R. W. Blue, A. D. Casteel, and Reuben Davisson, and their associates, successors and assigns, and all who shall have become stockholders when one thousand shares of the capital stock shall Corporators.

Incorporation. have been subscribed as hereinafter provided, are hereby made a body politic and corporate, by the name, style and title of "The Pennsylvania and West Virginia Railway Company."

Style of company.

Route of railway. 2. The said company is hereby authorized to construct a railway from a point on the Pennsylvania and West Virginia line at or near where Ruble's Run crosses said line, thence by way of Morgantown, in Monongalia county, to Grafton in Taylor county, or some point on the Baltimore and Ohio railroad east of Grafton, subject to all the rights and privileges of this act; and to provide everything necessary for convenient transportation on the same.

Capital stock. 3. The capital stock of said company shall be one and a half million of dollars, divided into shares of fifty dollars each; and books may be opened by the incorporators, or any three of them, to receive subscriptions to the said capital stock, within three years after the passage of this act, at such place or places as said incorporators, or any three of them, may designate. And when five hundred shares of stock shall be subscribed in said company, and two per cent thereof shall have been actually paid in according to law, the said company may organize in the manner provided by the code of West Virginia in the matter of internal improvement companies.

Subscription books.

When company may organize.

Company to be governed by code of West Virginia, except where inconsistent with this act. 4. The said books shall be opened and the subscriptions received in the manner prescribed by the code of West Virginia, prescribing general regulations for the incorporation of railroad companies. The said company shall be subject to all the provisions and liabilities, and entitled to all the benefits of the said code in matters pertaining thereto, and all other general laws now in force relating to railway companies, except so far as the provisions of this act are or may be inconsistent therewith.

Increase of stock. 5. If the capital stock of said company shall be insufficient for the purposes of this act, the said company shall have power and are hereby authorized to increase the same by the addition of as many shares as may be deemed necessary, and said company shall have power to borrow money, to accept and receive donations in lands, money or other thing, from the United States, or from other sources, for the purpose of carry-

Authority to borrow money and receive donations.

ing on the object of this act, and to issue proper certificates or evidences of all loans made by it, and to pledge the property of the company for the payment of the same and the interest that may accrue thereon; and the said company shall be required to commence the construction of their said railway within five years from the passage of this act, and to complete it within eight years from the time of commencement.

When road to be commenced and when completed.

6. The president and directors of the said company, or a majority of them, shall be and are hereby authorized to make and execute bonds or certificates of indebtedness, under seal of the said company, for such sum or sums, and payable at such time or times, and to sell and dispose of the same on such terms, as to the said president and directors may seem proper; provided, that nothing herein contained shall be taken to authorize the said company to issue anything in the nature of a bank note or other paper to be used for circulation as a currency.

Authority to issue bonds,

but not bank notes.

7. So much and such parts of the code of West Virginia, herein before recited, or of any other act or acts, as may be inconsistent with any of the provisions of this act, shall be held not to apply to the company hereby incorporated, so far as the same may affect the charter granted by this act.

Laws inconsistent herewith not to apply to company.

8. The county of Monongalia, and any or either of the townships thereof, jointly or severally, may subscribe to the capital stock of said company, whenever a majority of the votes cast at an election held on the order of the board of supervisors of said county, in the said county, or in or by the said townships, or either of them, shall so determine. And said county or townships, or either of them, may issue bonds to liquidate such subscription. Said subscriptions shall be made by the board of supervisors of said county, or by the supervisor and clerk of the said township, or either of them; and levies shall be assessed on the taxable property of said county or said townships, or either of them, to pay off and discharge said subscriptions. Notice of said elections shall be given at least twenty days before the same are held.

Subscription by Monongalia county or townships therein.

Bonds.

How subscription made.

Taxation to pay bonds.

Notice of elections.

9. The legislature reserves the right to alter, amend, or repeal this act; but the same shall not affect any vested rights accruing hereunder.

Act may be amended.

CHAPTER 79.—An ACT to enable the Hampshire and Baltimore Coal Company to build railroads from its mines, and connect the same with other railroads.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia:

Authority to construct railroad in certain counties,

1. That the Hampshire and Baltimore Coal Company, a corporation chartered by the laws of the state of Virginia, pursuant to an act entitled "An Act to incorporate the Hampshire Mining Company," passed March fifteenth, eighteen hundred and fifty-nine, and amended pursuant to an act of the state of West Virginia, providing for the formation of corporations, and regulating the same, passed October twenty-sixth, eighteen hundred and sixty-three, and amended November seventeenth, eighteen hundred and sixty-three, be and the said company is hereby empowered to locate, construct, and maintain such railroad or railroads and other improvements as its directors may deem necessary for the convenient transaction of its business, from any lands or mines owned, or hereafter to be acquired by said company, in the counties of Hampshire, Mineral, Hardy, and Grant, and to connect the same with any railroad or railroads already constructed, or hereafter may be constructed in said counties. And said company is hereby further empowered and authorized to charge and collect tolls on passengers and freight; and for such purposes the said company shall be and is hereby invested with all and singular the rights, powers, immunities, franchises, and privileges for the surveying, locating, and construction of said railroad or railroads, and for the working, repairing, preserving, and controlling the same, and the necessary articles and appurtenances thereto belonging, and every part thereof, which the Baltimore and Ohio Railroad Company enjoys under the act incorporating said company, and the acts amendatory and supplementary thereto; and subject to all the restrictions imposed upon said Baltimore and Ohio Railroad Company, not inconsistent with this act, and under and subject to the laws of this state, as if the same were hereby expressly enacted.

and connect with other roads.

Tolls on passengers and freight.

Powers of company to be same as those of B. & O. R. R.

Location of road and acquisition of right of way.

2. That for the purpose of laying and locating such railway or railways, and for taking, occupying, using, and acquiring title to a roadway upon such lands as may be necessary thereto, the said company is hereby invested with the same rights, powers, and privileges, and subject to the same restrictions and limitations which are granted and prescribed

to the Potomac and Piedmont Coal and Railroad Company, in the seventh section of the charter of the said company, by an act of the legislature of the state of West Virginia, entitled "An Act to incorporate the Potomac and Piedmont Coal and Railroad Company," and passed the twenty-sixth day of February, eighteen hundred and sixty-six, and of any act or acts amending the same; provided, that the said Hampshire and Baltimore Coal Company shall not have power to locate or construct any railroad along and by the bank, within one mile distance of the waters of the North Branch of the Potomac river, above its confluence with Savage river, in the counties aforesaid, except in order to connect with the Potomac and Piedmont railroad, or Baltimore and Ohio railroad; and provided it shall not in any way interfere with the rights and privileges of said Potomac and Piedmont Coal and Railroad Company.

Not to locate road along North Branch, except to connect with other roads.

Not to interfere with Potomac and Piedmont C. & R. Co.

3. That the said company shall have power, from time to time, to increase the amount of its capital stock to such sums as its directors may deem essential to its business; provided, that said capital stock shall not exceed the sum of five million dollars. Said capital stock, whenever so increased, shall be divided into shares of such amounts as the directors of said company may deem most advisable; and the said directors may receive subscriptions for the same, and payment for the whole, or any part thereof, either in money, bonds, or other property, then at such prices and valuation as may be agreed upon by and between the owners thereof and said directors.

Increase of capital stock.

Shares.

Subscriptions.

4. That the right is reserved to the legislature to alter or amend this act. But such alteration or amendment shall not affect the rights of creditors, or impair the vested rights of the corporation.

Act may be amended, but not so as to impair vested rights.

CHAPTER 80.—AN ACT for the relief of Timothy W. Lock.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia:

The auditor is hereby directed to issue his warrant for fifty dollars in favor of Timothy W. Lock, being the amount of \$50 appropriated.

Tax on improper assessment refunded.

tax paid by him on an improper assessment in Berkeley county, of a license to sell at retail spirituous liquors, issued by the board of supervisors of said county and assessed therein.

CHAPTER 81.—An ACT to incorporate the town of Boothsville, in the county of Marion.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

Town incorporated under regulations of code.

1. That the place known as the town of Boothsville, in the county of Marion, be and the same is hereby made a town corporate and body politic, by the name of "The Town of Boothsville," under the regulations prescribed by chapter forty-seven of the code of West Virginia, entitled "Of towns and villages."

Corporate limits.

2. The corporate limits of said town shall be as follows: Commencing below town on Booth's creek, two rods west of the north-west corner of the school house lot, running thence in a straight line to a sugar-tree above S. B. Hall's mill, on J. R. Martin's farm, in Taylor county; thence a straight line to a white-oak, near the Southern Methodist Church, in Taylor county; thence a straight line to the beginning.

CHAPTER 82.—An ACT to refund certain taxes to R. R. Riley, a citizen of Jackson county.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

\$4 03 refunded.

1. The auditor is hereby directed to issue his warrant upon the treasury in favor of R. R. Riley, a citizen of Jackson county, for one dollar and one cent school tax, and three dollars and two cents state tax, erroneously assessed for the year eighteen hundred and sixty-five, upon one hundred and sixty-eight acres of land, and paid by him to the sheriff of said county.

2. The supervisors of said county are authorized to refund to the said Riley twelve dollars and ten cents county levy, and one dollar and one cent for township purposes, erroneously assessed against and paid by him to the sheriff of said county.

Supervisors authorized to refund \$13.11.

CHAPTER 83.—An ACT to provide that sheriffs shall collect all public taxes, except municipal taxes, assessed within their respective counties.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

1. In every county the sheriff thereof shall hereafter collect all state, county, township, school, road, and other public taxes assessed therein, save only taxes assessed or levied for municipal purposes by, or under authority of, the council of any city or town. For such collections he shall have the same compensation which is allowed to the officers respectively heretofore authorized to collect the same, except for collecting and disbursing school taxes he shall receive three per cent; and he shall account for, pay over and disburse the same, in like manner as the said officers respectively are required to do; and in the discharge of his duties under this act, he and the sureties in his official bond, his and their legal representatives, shall be subject to the same penalties, liabilities, motions and remedies, which he or they now are or hereafter shall be subject to in relation to state taxes.

Sheriff to collect all taxes except municipal.

Compensation.

Disbursement.

Liability on sheriff's bond.

2. The office of township treasurer is hereby abolished.

Township treasurer abolished.

3. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

4. This act shall not take effect until September first, eighteen hundred and seventy.

Commencement of act.

5. Provided, that this act shall not apply to township treasurers now in office.

Present township treasurers not affected.

CHAPTER 84.—An ACT to regulate the payment of the salary of teachers in the State Normal Schools.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

That hereafter the salary of teachers in the state normal schools shall be paid as follows : one fourth at the end of the

first term, one fourth at the end of the second term, and the remainder at the close of the third and last term of the school year.

CHAPTER 85.—An ACT to amend and re-enact sections 17 and 18 of chapter 130 of the Code of West Virginia.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia:

Sections seventeen and eighteen of chapter one hundred and thirty of the Code of West Virginia are hereby amended and re-enacted so as to read as follows:

Proof of contents of lost papers.

“17. Any person desirous of proving the contents of any paper filed in a clerk’s or recorder’s office, or anything which was of record in any book therein, may, if such paper or book be lost within the meaning of this chapter, present to the circuit court of the county, (or the recorder thereof, as the case may be,) where such paper or book was filed or kept, a petition specifying with reasonable certainty the nature of the paper or record the contents of which he desires to prove, and what persons may be affected by such proof. Reasonable notice of the time and place of proceeding on such petition shall be given to the parties interested. Such notice may be served as prescribed in the first and second sections of chapter one hundred and twenty-one. If any person who may be affected by the proof be an infant or insane person, or if it affect a married woman in a case not relating to her separate property, a guardian ad litem shall be appointed to attend to the case on his or her behalf. Whereupon such court or recorder shall proceed to hear proof of the contents of such paper or record; and an entry shall thereupon be made on the proper order book, in accordance with the facts so proved. Any entry so made shall be prima facie evidence of rights against the parties so notified, and those claiming under them. A copy of any entry made under this or the next section, attested by the clerk of such court, or the recorder, shall, at the instance of any person interested, be recorded by such clerk or recorder in the proper book, and be indexed as similar writings so recorded.”

Petition to court or recorder.

Notice of proceeding.

Service of notice.

Appointment of guardian ad litem.

Proof of contents and entry thereof.

Effect of such entry as evidence.

Copy of entry may be recorded.

Proof of contents without notice.

“18. Such court or recorder may, however, without notice, or the appointment of a guardian ad litem, proceed on such

petition in accordance with the preceding section, and with like effect. Provided, that any person whose interests may be affected by the proceedings under this section, or who shall have been proceeded against by publication, or the personal representative of any such, shall have the same rights, as to a rehearing, that may be allowed by law to non-resident defendants in actions at law or suits in equity. Provided further, that if any person be desirous of proving the contents of any paper filed in the office of the clerk of the board of supervisors, or anything which was of record in any book therein, the petition may be presented to such board, and thereupon the proceedings shall be in accordance with, and subject to, all the provisions of this and the preceding section, mutatis mutandis."

Rehearing.

Proof of contents of papers before board of supervisors.

CHAPTER 86.—An ACT to incorporate the Elk River Navigation Company.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful to open books under the superintendence of Lewis G. Huling, Edmund Blanchard, James H. Huling, Thomas B. Swann, James H. Brown, John W. Cracraft, Samuel Blish, Henry Brockerhoff, P. H. Galligher, Samuel Stell, Greenbury Slack, James M. Laidley, John S. Swann, James H. Rogers, and John G. Breslin, or any five of them, at Charleston, in the county of Kanawha, for receiving subscriptions to the capital stock of the company hereby incorporated, for the purpose of improving the navigation of Elk river and its branches.

Corporators.

Subscription books.

2. The capital stock of said company shall not be less than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and which may, at any time hereafter, by vote of the stockholders, be increased to an amount not exceeding five hundred thousand dollars; and each share thereof shall entitle the holder to one vote in all the meetings of the stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the said capital stock, or so much thereof as may be deemed necessary for the lawful purposes of said corporation, books shall

Capital stock.

Increase of stock.

How stock voted.

- Time and place of opening books, be opened under the direction of the persons named in the first section of this act, or a majority of them, at such time and place as the persons who act in that behalf shall deem expedient; and in case the company shall organize before a sufficient amount is subscribed to the said capital stock for the lawful purposes of said corporation, the president and directors thereof shall have authority and power, at any time thereafter, and without opening new books of subscription, to receive further subscriptions to said capital stock until the full amount authorized by this act is subscribed.
- Subscriptions after organization.
- Incorporation. 3. As soon as one thousand shares, or one hundred thousand dollars, shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be and are hereby incorporated into a company, by the name and style of "The Elk River Navigation Company," with all the rights, privileges and immunities, and subject to the responsibilities of a body politic or corporate, and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state and of the United States, as they may deem necessary and advisable.
- Rights and responsibilities of company.
- By-laws.
- Improvement of river. 4. That said company shall have power to improve the navigation of said river, by removing any or all of the dams, or any other obstructions existing to the navigation of said river, or by locks, dams, sluices, canals, or by the usual modes of improvement, or by a combination of any two or more of them, and may acquire land and materials for said improvement under the general laws now in force.
- Acquisition of land and materials.
- Order of prosecuting improvement. 5. That said improvement shall commence at or near the mouth of said river, and be prosecuted towards the head, so far as may deemed practicable or the resources will permit, and as soon as the said river is improved to Jarret's Ford the said company shall have power to charge and collect tolls on steamboats, barges and other floats, and all commodities, only according to the distance which the same may be transported on such parts of said river: on both staves and headings per cord, per mile, two cents; on wood and tanbark per cord, per mile, one cent; on coal and coke per thousand pounds, per mile, one cent; on salt, lime, hydraulic cement, grain, wool, furs, peltry skins, furniture, groceries, provisions, merchandise, agricultural products, and all articles not
- Collection of tolls.
- Rates of toll.

herein enumerated, per hundred pounds, per mile, two mills. On all steamboats, for each and every lock to be passed through, one dollar and fifty cents. Provided, that in all cases legal tolls shall be paid on the cargoes of all such boats, barges or other floats, exclusive of such tolls for lockage, and that no toll shall be collected for the lockage of any raft when toll shall have been paid on the materials composing such raft, to an amount which shall equal or exceed one and one-half dollars for each lock to be passed through.

Rates of toll on steamboats.

Tolls on cargoes.

No lockage to be collected on raft when toll has been paid on its materials.

6. Manifests under oath, when required, of the cargoes of all boats and floats of every description which may navigate said river, shall be furnished to the superintendents or collectors of tolls, who may be appointed by said company, designating such boat or float by name, or in such manner as said company may by regulation require, the name of its master, the amount of the several kinds of commodities constituting its cargo, the names of the several shippers and consignees of the same, and of the several places at which the same shall have been received and to be discharged; legal toll shall be demanded and paid accordingly, and no boat or float shall be entitled to a clearance or to lockage till such tolls shall have been paid. It shall be lawful for collectors of tolls, or other authorized agents of said company, to board and enter all boats or other floats on said river, for the purpose of verifying such manifest or of determining the amount of the several commodities composing such cargo, and to demand and receive legal toll on such boat or other float and its cargo; and in case of failure to pay such toll when demanded, such boat or other float and its cargo shall be liable therefor, and may be proceeded against by attachment, as in other cases of attachment for debt. Any person or persons on board of such boat or float, and having control of the same, who shall neglect or refuse to come to, when required by such collector or agent, shall forfeit and pay twenty dollars to the use of said company, to be recovered before any justice of the peace; and all persons resisting such collector or agent in the execution of his lawful duties, shall be deemed guilty of misdemeanor and prosecuted accordingly. All persons who shall ship off, or authorize to be shipped off, any article subject to the payment of toll, without having first entered the same on said manifest and paid toll as herein provided, shall forfeit and pay twice the amount of such toll,

Manifests to be furnished company's officers.

What must be shown by manifest.

No boat entitled to clearance until toll paid.

Collectors may board boats to verify manifests, and demand tolls.

Attachment for tolls, on failure to pay them.

Penalty for failure of boat to come to when required.

Resisting collectors deemed misdemeanor.

Penalty for shipping goods without manifest or payment of toll.

Boats and cargoes may be attached for tolls.

to be recovered for the use of said company before any justice of the peace or court having jurisdiction of the same; and said company may sue out an attachment before any justice of the peace against any boat or other float and its cargo upon said river, for tolls or forfeitures due and unpaid for such boats or other floats, their owners, masters, or shippers, which attachment shall be prosecuted as in other cases of attachment for debt.

Officers of company may prosecute in its name for penalties, etc.

7. The superintendents, collectors of tolls, lock-tenders and other authorized agents, who may be appointed by said company, are hereby authorized to prosecute in the name of said company, in usual forms, for any and all penalties, forfeitures or punishments authorized and sanctioned by this act.

All persons, except officers, forbidden to open gates.

8. No persons, except the officers or employees of said company shall be permitted to open any large gate or valve-gate of any lock, without the permission of the authorized lock-tender, and every person violating this section shall be deemed guilty of a misdemeanor and prosecuted accordingly.

Penalty for violation.

Time for commencement and completion of work limited.

9. If the president and directors of said company shall not commence this improvement within one year from the passage of this act, and complete the same within two years thereafter as far as Jarret's Ford, then the interest of said company in the navigation and the tolls aforesaid shall be forfeited and cease.

Act may be amended, but not so as to injure corporators or creditors.

10. The legislature reserves the right to alter or amend this act at any time, in such manner, however, that no injustice may be done to the corporators or their creditors.

CHAPTER 87.—An ACT concerning the removal of brush, trees and other obstructions from the South Branch of the Potomac river in Hardy and Grant counties.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

Supervisors of Hardy may require removal of obstructions from South Branch.

1. That the board of supervisors of Hardy county shall require the removal of all trees, brush, and other obstructions to the free passage of the waters of the South Branch

of the Potomac river, within the limits of said county, at least once in each and every year after the passage of this act, and oftener if they deem it expedient.

2. That in order to carry out the spirit and true intent of this act, the board of supervisors of said county shall, at their second stated annual meeting in each and every year, appoint a commission of three discreet freeholders of Moorefield township in said county, whose duty it shall be once in every year, or oftener, if required by the board of supervisors of said county, to examine the islands and banks of the South Branch of the Potomac river within the limits of said county, and ascertain if there is any timber, brush, or other obstructions permitted to stand by any owner or occupier of the lands lying on or any island in said river, which would obstruct the free passage of the water and thereby injure any lands adjacent thereto, or along said river within the limits of said county.

Commissioners to examine islands and banks, and

ascertain whether obstructions exist.

3. If said commissioners shall find, upon an examination as aforesaid, that any owner or occupier of lands lying on or island in said river, within the limits of said county, has or is permitting any timber, brush, or other obstruction to the free passage of the water in said river, to stand, they shall immediately give such owner or occupier notice to remove the same. Said notice shall be served as other notices are, and shall describe as accurately as possible the work said commissioners desire said owners or occupiers to do. If said owners or occupiers do not, within twenty days from the service of said notice, remove the timber, brush, or other obstructions required by said notice to be removed, said commissioners shall report the names of any such so failing, or neglecting, to the board of supervisors of said county, and in said report said commissioners shall describe the work or the timber, brush, or other obstructions, they required to be removed by each person failing to comply with their notice, and shall also file with said report a copy of the notice served upon any person or persons failing to comply therewith.

Commissioners to give notice to owners of lands on which obstructions exist.

Service of notice.

Commissioners to report those failing to remove obstructions.

4. Upon the filing of said report by said commissioners before the board of supervisors, they shall at their next regular meeting thereafter order said commissioners to have such work, or such timber, trees, brush, or other obstructions as

On filing of report, supervisors to order removal of obstructions.

Removal to be at cost of person in default. are mentioned in the notice served upon any owner or occupier of land situated as aforesaid, removed at the cost of the person or persons failing or neglecting to comply with said notice, and said amount may be recovered from said person or persons, in the name of the county, before a justice or in the circuit court of said county.

Compensation of commissioners. 5. Said commissioners shall be allowed one dollar per day for every day they are engaged in the performance of the duties aforesaid, to be paid to them out of the county treasury; and any person or persons appointed as aforesaid on said commission who shall fail, refuse, or neglect to discharge the duties thereby imposed, shall be fined by the board of supervisors not less than ten nor more than fifty dollars, and such fine may be recovered from such person or persons before a justice in the name of the county.

Penalty for refusal to act as commissioner.

Commissioners to be notified of their appointment, and proceed in ten days to discharge their duties. 6. The board of supervisors shall, immediately after their appointment by them, notify said commissioners thereof, and unless said commissioners, within ten days thereafter, enter upon the discharge of their duties as herein before prescribed, they shall be considered as refusing to discharge said duty, and shall be subject to the fine imposed by the fifth section of this act.

Act may apply to Grant county. 7. This act shall take effect from and after its passage, and may apply to Grant county also, and the commissioners to be appointed by the board of supervisors of Grant county shall be free holders and residents of Milroy township in said county.

CHAPTER 88.—An ACT to amend and re-enact section 5 of chapter 52 of the Code of West Virginia.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

That section five of chapter fifty-two of the code of West Virginia shall be amended and re-enacted in the words, so as to read as follows :

“5. Any company incorporated for a work of internal improvement may, by its officers, agents, or servants, enter upon

any lands for the purpose of examining the same, and surveying and laying out such as may seem fit to any officer or agent authorized by it; provided, no injury be done to the owner or possessor of the land. But no company shall, under the authority of this section, throw open fences or enclosures on any land, or construct its works through the same, or in any way injure the property of the owner or possessor, without his consent. Nor shall a company, under the provisions of this chapter, invade the dwelling-house of any person, or any space within twenty feet thereof, without the consent of the owner. And provided, further, that this act shall not apply to any city or incorporated town."

Property not to be injured without consent of owner.

Dwelling house not to be invaded.

Act not to apply to cities and towns.

CHAPTER 89.—An ACT for the relief of Isaac A. Wade, sheriff of Putnam county.

Passed March 2, 1870.

Be it enacted by the Legislature of West Virginia :

The auditor is directed to place to the credit of Isaac A. Wade, sheriff of Putnam county, on account of taxes charged to him, as sheriff of said county, for the year eighteen hundred and sixty-nine, the sum of four thousand three hundred and sixty-three dollars and fifty-eight cents, paid into the treasury by William Cash, deputy and security of said Wade, sheriff as aforesaid, or so much thereof as the auditor may be satisfied was collected out of the taxes due the state from the said county of Putnam, for the year eighteen hundred and sixty-nine.

Auditor authorized to credit Wade with \$4,363.58 on taxes of 1869.

CHAPTER 90.—An ACT to authorize the Judge of the First Judicial Circuit to employ a short-hand writer in certain cases.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

The judge of the first judicial circuit may, at his discretion, employ a short-hand writer to report, under such orders and regulations as the said judge may prescribe, the proceedings had and testimony given during the trial of any cause in said circuit; and may allow him a reasonable compensa-

Reporter of testimony in cases in first circuit.

Compensation. tion for his services and expenses, to be certified by the court to the supervisors of the county in which such trial took place, and paid by them out of the county treasury.

CHAPTER 91.—An ACT relating to the compensation of sheriffs and collectors.

Passed March 8, 1870.

Preamble.

WHEREAS, Section nine, article three, of the constitution of the state declares that, "nor shall the salary or compensation of any public officer be increased or diminished during his term of office," and, whereas, section twenty-eight, chapter thirty, and section thirty-eight, chapter thirty-three, of the code of West Virginia, which took effect April first, eighteen hundred and sixty-nine, do diminish the compensation allowed sheriffs or collectors who were in office at the time and previous to the day on which said code took effect; therefore,

Be it enacted by the Legislature of West Virginia:

That so much of section twenty-eight, chapter thirty, and section thirty-eight, chapter thirty-three, of the code of West Virginia, as relates to the commissions of sheriffs or collectors, shall not be applicable to those sheriffs or collectors who were in office on the thirty-first day of March, eighteen hundred and sixty-nine; but during their term of office they shall be allowed the same commissions as were allowed by law when they entered upon their term of office.

Code not to apply to commissions of sheriffs or collectors in office March 31, 1869.

CHAPTER 92.—An ACT concerning the delinquent lists of certain sheriffs.

Passed March 8, 1870.

Be it enacted by the Legislature of West Virginia:

1. It shall be the duty of the auditor to credit any sheriff with the amount of taxes mentioned in the copies of his delinquent lists, certified to him as provided by law, if the same be presented at his office before the first day of April, eighteen hundred and seventy, whether such sheriff returned his said lists of delinquents to the board of supervisors of his county on the third Monday in May, eighteen hundred and sixty-nine, or since.

Auditor to credit sheriff with amount of delinquent lists presented before April, 1870.

2. Any sheriff now in office, in whose hands the taxes for any one or more years prior to the commencement of his term may have been placed for collection, may return his delinquent lists of such taxes, and of all other taxes in his hands for collection, to the board of supervisors of his county, within five months after the passage of this act; and when the same have been allowed and certified by said board in the manner required by law, the auditor shall credit such sheriff with the taxes mentioned therein, if the proper copies thereof be presented at his office within one month thereafter. Provided, that this act shall not apply to collectors who have heretofore made return of their delinquent lists.

Delinquent lists may be returned within five months from passage of this act.

Amount allowed thereon by board to be credited by auditor.

Act not to apply to lists heretofore returned.

CHAPTER 93.—An ACT authorizing the Auditor to refund certain taxes to Sarah Jane Colsten.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia:

The auditor is hereby authorized to refund to Sarah Jane Colsten, administratrix and devisee of Edmund Colsten, deceased, of Berkeley county, the sum of seventy-eight dollars and eight cents, being the amount of taxes erroneously assessed against her, on one hundred and fifty and one-fourth acres of land, for the years eighteen hundred and sixty-five, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight.

\$78 08 to be refunded for erroneous taxes.

CHAPTER 94.—An ACT to grant relief to persons aggrieved by the assessment of lands and lots.

Passed March 3, 1870.

WHEREAS, By the first sentence of the seventh section of the act passed February twenty-first, eighteen hundred and sixty-six, entitled "An Act to provide for a re-assessment of the value of all the real estate within the state," it was enacted that any person feeling himself aggrieved by the assessment of his lands or lots, made under the provisions of said act, might, within one year after the verification of the commissioner's book, apply by himself or his agent to the board of supervisors for redress. And whereas, by an act passed December twenty-second, eighteen hundred and sixty-eight,

Preamble.

Former legislation recited.

Preamble.

Former legisla-
tion recited.

entitled "An Act to amend section seven of chapter fifty-one of the acts of eighteen hundred and sixty-six," being the aforesaid act of February twenty-first, eighteen hundred and sixty-six, it was enacted that the above mentioned sentence be amended and re-enacted so as to read as follows: Any person feeling himself aggrieved by the assessment of his lands or lots, made under the provisions of this act, may, within six months after the passage of this act, apply to the board of supervisors of his county for redress; such application being made in the manner and subject to the regulation in the act of December twenty-second, eighteen hundred and sixty-eight, prescribed. And whereas, it was the intention of the legislature, by the passage of said act of December twenty-second, eighteen hundred and sixty-eight, to grant six months from December twenty-second, eighteen hundred and sixty-eight, and not from February twenty-first, eighteen hundred and sixty-six, within which such applications might be made, and redress obtained thereon, by persons aggrieved; but the act of December twenty-second, eighteen hundred and sixty-eight, has been construed as if it had been originally incorporated in, and made part of, the former law, and the six months therein mentioned has been considered as commencing from the passage of the act of February twenty-first, eighteen hundred and sixty-six, and as having, therefore, expired long before the passage of the subsequent act of December twenty-second, eighteen hundred and sixty-eight, contrary to the real intent and meaning of the Legislature; for remedy whereof,

Be it enacted by the Legislature of West Virginia :

Applications
made within six
months from De-
cember 22, 1868,
legalized.

1. All applications for redress made to the board of supervisors of the county within the six months succeeding the twenty-second day of December, eighteen hundred and sixty-eight, and all orders of the board of supervisors made upon such applications, in the manner and for the purposes prescribed by the above mentioned acts, shall be valid and effectual.

Applications for
redress may be
made within six
months from the
passage of this
act.

2. And many persons having been heretofore prevented, by the unfortunate confusion attending the legislation on the subject, from making application in due time for redress as aforesaid, be it therefore further enacted, that such applications may be made and redress granted by the board of super-

visors of the county, in conformity with the above recited acts, at any time within six months after the passage of this act.

CHAPTER 95.—An ACT to legalize a certain power of attorney and deed.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

That a power of attorney from Samuel Moore to P. M. Adams, dated thirteenth of May, eighteen hundred and forty-one, and deed from said Moore to said Adams, dated the fourteenth day of December, eighteen hundred and forty-four, which was executed in the Republic of Texas, and acknowledged before and certified by a notary public of said republic under his official seal, and the same admitted to record in the clerk's office of Harrison county, West Virginia, are hereby legalized, and shall be of the same force and effect as if they had been acknowledged before and certified to by the American minister, charge d' affaires of the United States, in said republic, under his official seal at that time.

Power of attorney and deed from Moore to Adams, acknowledged before notary in republic of Texas, legalized.

CHAPTER 96.—An ACT authorizing the trustees of the Methodist Protestant Church of the Harrison Circuit, West Virginia District, to sell and convey a church parsonage lot on Duck creek, in Grant township, in said county.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

The trustees of the Methodist Protestant Church of the Harrison circuit, West Virginia District, in the county of Harrison, are hereby authorized to sell a church parsonage lot, situate on Duck creek, in Grant township, in said county, and convey the same.

Authority to sell and convey parsonage lot.

CHAPTER 97.—An ACT authorizing certain subscriptions to the capital stock of an Iron Manufacturing Company in the county of Marshall.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

Supervisors of Marshall and council of Moundsville authorized to subscribe to iron manufacturing company.

The board of supervisors of the county of Marshall be and are hereby authorized to subscribe, for and on behalf of said county of Marshall, a sum not exceeding twenty thousand dollars, and the common council of the town of Moundsville, for and on behalf of said town, are authorized to subscribe a sum not exceeding ten thousand dollars, to the capital stock of a company, now organizing in the county of Marshall, for the purpose of manufacturing iron and nails.

CHAPTER 98.—An ACT to allow "The Marion County Agricultural, Mechanical and Mineral Association" further time in which to have the certificate of incorporation of said association recorded.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

Thirty days allowed for recording certificate.

That the joint stock company, known as "The Marion County Agricultural, Mechanical and Mineral Association," be allowed to record the certificate of incorporation issued by the secretary of the state to said association, on the eleventh day of November, eighteen hundred and sixty-nine, within thirty days from the passage of this act.

Exemption from penalty.

2. That said association is hereby exempted from the penalty prescribed by section twenty of chapter fifty-four of the code of West Virginia.

CHAPTER 99.—An ACT incorporating the Point Pleasant Literary Society.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Rev. B. B. Blair, L. F. Campbell, D. P. Guthrie, S. H. Patrick, D. W. Polsley, William J. Kenny, George

Martin, John M. Phelps, Dr. C. T. B. Moore, H. R. Howard, George W. Tippet, F. A. Guthrie, Morris Seidler, John Reynolds, F. W. Sisson, William Wiley, Oliver Phelps, Julius Menager, and their associates, who are now, and such others as may hereafter become members of said society, shall be and are hereby constituted and declared a body corporate, Incorporation. politic, by the name of "The Point Pleasant Literary Society," and by that name they and their successors shall have perpetual succession, and a common seal; shall be capable in law of suing and being sued in all the courts of law and equity in all matters whatsoever; and may purchase, hold and enjoy real and personal property, not to exceed at its property. any one time the amount of five thousand dollars.

2. They and their successors, by the said name, shall have power and authority to give, grant, bargain, sell, lease or release, and convey to others, the whole or any part of any real or personal estate of which they may become possessed; and the said society shall ordain such constitution, by-laws, rules By-laws. and regulations, from time to time, as they shall judge proper for the government of said society; provided the same shall not be repugnant to the laws of the United States or of this state.

3. The said society, when fully organized under this charter, shall have full power and authority to confer upon worthy persons such honorary degrees of a scientific and literary character as said society may determine. Authority to confer degrees.

4. The legislature may at any time alter or repeal this act. Act may be amended.

CHAPTER 100.—AN ACT to authorize the trustees of the Methodist Church of Fairmont to sell their parsonage and lot.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia:

The trustees of the Methodist Church of Fairmont are hereby authorized to sell and convey their parsonage and lot in said town. Authority to sell parsonage and lot.

CHAPTER 101.—An ACT to amend the charter of the city of Wheeling.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia:

Next charter election.

Election biennial.

Terms of office of members of council.

1. That the next charter election of Wheeling shall be held on the fourth Thursday of January, eighteen hundred and seventy-one. That thereafter the charter elections for members of council and city officers shall be held biennially instead of annually; that members of the first branch of the council shall be elected for the term of four years, and members of the second branch for the term of two years; provided, that at the next charter election two members of the first branch of the city council shall be voted for in each ward, and the candidate receiving the highest number of votes shall be elected for four years, and the candidate receiving the next highest number of votes shall be elected for two years. And when the members thus elected are sworn into office, the term of office of all members heretofore elected shall expire.

Term of office of city officers.

2. That the mayor, city clerk, city sergeant, superintendent of water works, street commissioner, and wharf master, so elected by the qualified voters, for the term of two years, and that all other officers deemed necessary by the city council shall be elected by the council for the term of two years.

Sergeant ineligible for re-election after two terms.

That the city sergeant, (and deputies who have served under him during the preceding year,) shall be ineligible for re-election after two successive terms, until one term shall have intervened; and that the powers of the city sergeant and his deputies, under the ordinances of the city, shall extend to and embrace the Peninsula cemetery, and the approaches thereto; and that the city shall be empowered to enforce its lien upon real estate returned delinquent for the non-payment of city taxes and assessments thereon, by a sale thereof; and that the office of city treasurer as now provided for by the charter, be abolished; the foregoing amendments to take effect on the fourth Monday of January, eighteen hundred and seventy-one.

Powers of sergeant.

Lien on real estate for taxes.

Office of treasurer abolished. When amendments to take effect.

3. That the powers granted in section thirty-one of the charter of eighteen hundred and thirty-six be incorporated in the present charter.

Inconsistent acts repealed.

4. And be it further enacted, That all acts under the present charter of the city of Wheeling, inconsistent with this, shall be repealed from and after the time the foregoing amendments take effect.

CHAPTER 102.—An ACT in relation to investments by savings banks, trustees, executors, administrators, and guardians.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

That it shall be lawful for any and all savings banks in this state to invest the funds of said bank, and for any and all trustees, executors, administrators, and guardians to invest the funds under their control as such trustees, executors, administrators, or guardians, in the six per cent gold bearing first mortgage bonds of the Chesapeake and Ohio Railroad Company, in all cases where it would be lawful for said banks, trustees, executors, administrators, or guardians to invest said funds in bonds representing the funded debt of the United States; and for investments so made, said trustees, executors, administrators, or guardians shall be subject to no greater responsibility or liability than if said investments had been made in said bonds of the United States. Provided, always, that this act shall not be deemed to authorize any trustee, executor, administrator, or guardian to invest any funds which he may hold in any fiduciary capacity in said mortgage bonds, where the instrument under which he acts, or by which he is appointed such trustee, executor, administrator or guardian, shall expressly direct in what securities, (other than said bonds,) said funds shall be invested.

Savings banks and fiduciaries authorized to invest in bonds of C. & O. R. R. Co., where it would be lawful to invest in U. S. bonds.

Liability for such investment.

No such investment to be made contrary to instrument governing fiduciary.

CHAPTER 103.—An ACT to provide for opening and keeping in repair the roads in the county of Hancock.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

1. The voters of any township of the county of Hancock, assembled in stated or special meeting, may determine to adopt the provisions of this act to govern such township in keeping in repair the roads therein; provided, however, that notice of the intention to submit the question of the adoption of the provisions of this act to a stated or special meeting as aforesaid, shall be signed by at least five voters of such township, and posted, at least ten days prior to such stated or special meeting, at three or more public places in the township; and provided further, that the determination to adopt

Any township in Hancock may adopt this act.

Notice of intention to submit question of such adoption.

the provisions of this act as aforesaid, shall be by a majority of the voters present and voting at such stated or special meeting.

If township meeting adopt this act, notice to be given board of supervisors.

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

Board of supervisors to divide township into three road precincts.

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

First election of road surveyors.

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

When term to commence.

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

Annual election of surveyor.

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

His term of office.

How vacancy in office of surveyor filled.

7. When there is a vacancy in the office of road surveyor as aforesaid, the same shall be filled for the unexpired term at the next annual election thereafter; but, in the meantime,

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

Temporary appointment of surveyor.

Oaths of surveyor.

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

Quorum.

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

Stated and special meetings of surveyors.

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

Roads to be divided into sections.

Sections to be numbered and described in a book.

11. It shall be the duty of said road surveyors to expose all the county roads, one section at a time, at public sale, to the lowest and best bidder, commencing on the third Tuesday in April, eighteen hundred and seventy-one, and to continue from day to day, if necessary, until all are sold, and every three years thereafter, commencing on the third Tuesday of April, and continuing as aforesaid until all are sold, of which sales at least ten days' notice shall be given by not less than ten handbills posted in the most public places in

Sections to be offered at public sale.

Notice of sales.

Purchaser of contract to give bond.

the township. Provided, that any person purchasing a contract or contracts at any sale herein provided for shall give bond, with freehold security, to be approved by said surveyors, in a sum to be fixed by said surveyors, for the performance of every contract so purchased.

Road hereafter established to be divided into sections.

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

Sale of sections.

Contractor to sign his name to surveyors' book.

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

If contractor fail to keep his section in repair,

surveyors to give notice to contractor, and if he still fail,

surveyors to cause repairs at cost of contractor.

chaser or contractor as aforesaid, and shall neglect or refuse to keep in repair, according to his contract, any portion of his section so purchased, it shall be the duty of the supervisor of the township in which said road is, upon complaint of any citizen of the township made to him, to examine the section or sections so complained of within four days from the time of such complaint being made, and if such complaint is deemed well founded, he shall give notice in writing to the person or persons so complained of, accompanying the same with a request that he or they so notified to put his or their section or sections so complained of in good repair, according to his or their contract, within six days thereafter, and if such neglect or refusal to repair the same shall continue for any period of time after said six days, it shall then be the duty of said supervisor of the township to cause the same to be put in good order at the costs of the person or persons so complained of, in manner and form hereinbefore provided for other delinquencies.

Notice in case of surveyor being contractor, on failure to keep roads in repair.

If neglect continues, supervisor to have road put in order at cost of person in default.

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

Inspection of roads.

Notice to contractors in case of their neglect.

15. It shall be the duty of the road surveyors, as soon as practicable after the sale of said county roads, or of any newly established or altered road, and annually thereafter, to ascertain, and report in writing immediately after such ascertainment, to the board of supervisors of their county, the amount of money necessary to keep in repair and open the roads in their township; whereupon the said board of supervisors, at their first stated meeting thereafter at which said board may be required to levy the estimates covering county debts and liabilities, shall provide for the amount so reported to them by the road surveyors as aforesaid, and any other expenses pertaining to the same, by levying a tax of one dollar on every male inhabitant of said township who has attained the age of twenty-one years; and the balance, after deducting said capitation tax and estimated delinquencies, shall be levied upon the property of said township taxable for state and county purposes, and in the same manner; a list of

Surveyors to report amount necessary to keep up roads.

Supervisors to levy for amount so reported.

Capitation tax.

Tax on property.

Township treasurer to collect taxes.

which persons liable under said assessment, together with the amount with which they are severally chargeable, shall be delivered to the township treasurer of such township, who shall proceed to collect the same in the manner in which he may be now or hereafter required to collect other township taxes; and he is hereby authorized and empowered to use the same means to enforce the collection thereof that he may possess as to other township taxes. Provided, that if at any time the authority of township treasurers to collect all other township taxes shall hereafter by law or otherwise cease, the board of supervisors of the county shall appoint a suitable person to collect the taxes herein provided for; and such person so appointed shall in all respects discharge the duties, and be liable as said treasurer is now herein required to discharge any duty, or made liable in any manner.

Collector to be appointed if authority of township treasurers cease.

Bonds of surveyors and collectors.

16. Every road surveyor and collector of taxes provided for in this act shall, before entering upon the duties of their office, give bond, with security, to be approved by the supervisor of their township, in such sum as may be required by the board of supervisors of the county, the same to be made payable to the board of supervisors of their county, and be conditioned as any other fiduciary public officer's bond.

Contractors removing may give up contract,

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

and shall be paid such sums as they are justly entitled to.

Right to reject bids if too high, and sell at private sale.

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

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

Payment for services of surveyors.

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

Delinquent lists; how returned and disposed of.

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

Road claims to be paid by collector, upon order of board of supervisors.

22. Any road surveyor duly elected under this act, and who may have qualified as such, neglecting or refusing to perform the duties of his office, shall be subject to all the fines and penalties now provided by law for any township officer.

Penalty for refusal of surveyor to act.

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

Conflicting acts not to affect any township which adopts this act.

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

Act may be amended.

CHAPTER 104.—An ACT releasing a portion of the taxes charged upon the lands of F. A. Donohower.

Passed March 3, 1870.

WHEREAS, By an act of the legislature, passed on the fourth of March, eighteen hundred and sixty-eight, the boundary lines between the counties of Wayne and Logan were so changed as to put the farm known as the Lewis Brewer farm

Preamble.

Excessive valuation of farm in Logan.

Valuation in Wayne.

Taxes above valuation in Wayne released.

Unpaid taxes to be corrected.

\$85 20 appropriated to refund taxes erroneously collected.

in the county of Wayne; and whereas, the said farm stands charged on the assessor's books of the county of Logan, at the value of thirteen thousand four hundred and forty dollars and seventy-five cents, which is greatly in excess of the real value of said farm; and whereas, the said farm is now owned by F. A. Donohower, and has been placed on the land books of the county of Wayne, by the board for the correction of the land books, and valued at five dollars and fifty-five cents per acre, as provided by section eight of chapter twenty-nine of the code of West Virginia. Therefore,

Be it enacted by the Legislature of West Virginia :

That all taxes now charged on the said tract of land mentioned in the preamble to this act, above and beyond the value of five dollars and fifty-five cents per acre, be and the same are hereby released; and the sheriff or collector of Logan county, in whose hands the taxes on said tract of land may be for collection, is hereby required and authorized to correct the amount of taxes now charged on said tract of land, so as to charge the same at the said sum of five dollars and fifty-five cents per acre, so far as they may remain unpaid, upon that valuation.

CHAPTER 105.—AN ACT for the relief of Alstorpheus Werninger.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

The sum of eighty-five dollars and twenty cents, with interest thereon from the thirteenth day of July, eighteen hundred and sixty-nine, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to Alstorpheus Werninger, being the amount of taxes for county purposes on twenty thousand acres of land, lying on the waters of Waters Bond's Creek, in the county of Ritchie, and paid by said Werninger both to the auditor of state and the recorder of Ritchie county.

CHAPTER 106.—An ACT appropriating the public revenue for the fiscal year 1870.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia:

1. All payments heretofore made by the treasurer of this state, in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, eighteen hundred and sixty-nine, by virtue of appropriations made by the act passed March fourth, eighteen hundred and sixty-nine, entitled "An Act appropriating the public revenue for the fiscal year eighteen hundred and sixty-nine," or under the provisions or by virtue of any general or special law requiring such payments, if made upon warrants legally issued by the auditor, are hereby legalized. And all money remaining in the treasury on the first day of October, eighteen hundred and sixty-nine, or that may have since been thereinto paid, the surplus of all appropriations made prior to the nineteenth day of January, eighteen hundred and seventy, and all money that may come into the treasury before the first day of October, eighteen hundred and seventy, subject to appropriation for state purposes, shall constitute a general fund, and be appropriated as follows:

For expenses of the legislature of eighteen hundred and seventy, twenty thousand dollars.

For rent and repair of Linsley Institute, one thousand one hundred dollars.

For salaries of the judges of the supreme court of appeals, and the circuit courts, thirty thousand dollars; for salary of the clerk of the supreme court of appeals, one thousand dollars; and for salary of the reporter of the supreme court of appeals, one thousand dollars.

For contingent expenses of courts, four thousand two hundred dollars.

For criminal charges, the arrest, conveyance and support of criminals in jails, conveying to jails and penitentiary, pay of witnesses, jurors, etc., twenty-seven thousand dollars.

For support of convicts in the penitentiary, sixteen thousand dollars.

For pay of guards at the penitentiary, eight thousand five hundred dollars.

For current expenses proper of the hospital for the insane, thirty-one thousand two hundred dollars.

- Transportation of patients. For transportation of patients to hospital for the insane, two thousand five hundred dollars.
- Laundry of hospital. For enlarging the laundry of the hospital for the insane, eight hundred dollars.
- Lunatics in jails. For expenses of lunatics in jails and elsewhere than in the hospital for the insane, fifteen thousand dollars.
- Salaries and house rent of executive officers. For salary of the governor, two thousand dollars; for rent of mansion for the governor, seven hundred and fifty dollars; for house rent for the auditor, four hundred dollars; for house rent for the secretary of the state, four hundred dollars; for house rent for the treasurer, four hundred dollars; for house rent for the adjutant general, four hundred dollars; for salary of the auditor, fifteen hundred dollars; for salary of the secretary of the state, thirteen hundred dollars; for salary of the treasurer, fourteen hundred dollars; for salary of the adjutant general, fifteen hundred dollars; for salary of the attorney general, one thousand dollars; for office rent and contingent expenses for the attorney general, three hundred dollars.
- Contingent expenses of executive offices. For the civil contingent fund, six thousand dollars; for contingent expenses of the office of the secretary of the state, six hundred dollars; for salary of clerk in the office of the secretary of the state, one thousand dollars; for contingent expenses of treasurer's office, two hundred dollars; for salary of clerk in the treasurer's office, eight hundred dollars; for contingent expenses of adjutant general's office, seventy-five dollars; for salary of clerk in the adjutant general's office, one thousand dollars; for contingent expenses of the auditor's office, one thousand six hundred dollars; for salary of first clerk in auditor's office, one thousand two hundred dollars; for salary of second clerk in auditor's office, one thousand dollars; for salary of third clerk in auditor's office, eight hundred dollars.
- Vaccine agent. For half year's salary of vaccine agent, up to March thirty-first, eighteen hundred and seventy, seventy-five dollars.
- Janitor and guard. For pay of janitor and guard of executive offices and capitol buildings, one thousand dollars.
- Public printing. For public printing, eight thousand dollars.
- Printing W. Va. reports. For printing the third volume of West Virginia reports, one thousand nine hundred and seventy-two dollars.
- Clerk house of delegates. For clerk of the house of delegates, as keeper of the rolls, three hundred dollars.

For salary of the clerk of the board of regents of the state normal school, two hundred and fifty dollars; for expenses of the board of regents of the state normal school, two hundred dollars.

Regents of normal school.

For expenses of registration of births, deaths, and marriages, two hundred dollars.

Registration of births, deaths, and marriages.

For refunding capitation taxes under the act of February fourteenth, eighteen hundred and sixty-five, two thousand five hundred dollars.

Refunding capitation taxes.

For refunding overpaid taxes, commissions, etc., six thousand dollars.

Refunding overpaid taxes.

For refunding taxes erroneously assessed, five hundred dollars.

Refunding erroneous taxes.

For expenses of registering voters, nine thousand dollars; for serving notices, printing, and defending suits under registration act, six hundred dollars.

Registering voters.

For salary of teachers at Marshall college, state normal school, two thousand five hundred dollars; for salary of teachers at the Fairmont branch, state normal school, two thousand five hundred dollars; for salary of teachers at the West Liberty branch, state normal school, two thousand dollars; for current expenses of the West Virginia university, two thousand eight hundred and fifty-five dollars; for expenses of the board of regents of the West Virginia university, two hundred and fifty dollars; for amount necessary to meet contract for new building at Marshall college, five thousand eight hundred and fifty-six dollars and eighty-two cents.

Salaries of teachers at normal schools.

West Virginia university.

New building at Marshall college.

For salary of librarian, six hundred dollars; for insurance of state library, two hundred dollars; for the purchase of books for the state law library, to be expended under the direction of the supreme court of appeals, five hundred dollars; for insurance of state school buildings, five hundred dollars.

State law library.

Insurance of buildings.

For salary of superintendent of weights and measures, three hundred dollars.

Superintendent of weights and measures.

For pay of commissioners appointed to value railroad property, five hundred dollars; for expenses of civil suits, including pay to state agents, two thousand dollars; for expenses of completing the code, one thousand dollars. But no part of said one thousand dollars shall be paid until the code, with a full and complete index thereto, has been completed and placed in the hands of the public printer.

Railroad commissioners. Civil suits.

Code.

Provide as to appropriation for code.

- Balance on appropriations already made.** For balance on appropriations already made, twenty-seven thousand three hundred and eighty-three dollars and thirty cents, to be applied as follows :
- Z. D. Ramsdell.** For relief of Z. D. Ramsdell, chapter one hundred and thirty-four of the acts of eighteen hundred and sixty-eight, one thousand eight hundred dollars and fifty-seven cents ; for
- Military claims.** for military claims, audited by the board of claims, act of March fourth, eighteen hundred and sixty-nine, five thousand two hundred and ninety-six dollars and forty-two cents ; for public printing, which includes printing of the code, act of March fourth, eighteen hundred and sixty-nine, seven thousand and eighty-two dollars and eighty-two cents ; for purchasing furniture and apparatus for Marshall College, act of February seventh, eighteen hundred and sixty-seven, one thousand seven hundred and forty-one dollars and five cents ;
- Printing code.** for salary of clerk of supreme court of appeals, act of March fourth, eighteen hundred and sixty-nine, two hundred and
- Furniture for Marshall college.** fifty dollars ; for salary of reporter of supreme court of appeals, act of March fourth, eighteen hundred and sixty-nine, two hundred and fifty dollars ; for salary of attorney general, act of March fourth, eighteen hundred and sixty-nine, two
- Clerk of court of appeals.** hundred and fifty dollars ; for pay of witnesses before committee of investigation of affairs of hospital for the insane, chapter seven, acts of eighteen hundred and sixty-nine, one
- Reporter.** hundred and fifteen dollars ; for purchase of ground and erecting of buildings at Marshall College, act of February twenty-seventh, eighteen hundred and sixty-seven, twelve thousand one hundred and eighteen dollars and eighteen cents.
- Attorney general.** For the penitentiary, to be applied to building purposes, twenty thousand dollars.
- Witnesses in investigation of hospital for the insane.** For the West Virginia University, to be applied to building purposes, twenty thousand dollars.
- Ground and buildings at Marshall college.** For expenses of the deaf, dumb, and blind, in the asylum at Staunton, Virginia, one thousand five hundred and seventy-two dollars and seventy-five cents.
- Building penitentiary.** For payment of militia claims, six thousand one hundred and thirty-five dollars and nine cents.
- Buildings at university.** For the purchase of a fire-proof safe for certain valuable books in the auditor's office, four hundred dollars.
- Deaf, dumb and blind at Staunton.** For coal and gas used in the legislative halls and executive offices, two hundred and seventy-five dollars.
- Militia claims.**
- Safe in auditor's office.**
- Coal and gas.**

For rent of library room, removing library and fixtures, Library room.
five hundred dollars.

For commissioner of immigration, for expenses incurred by Commissioner of immigration.
said commissioner for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, seven hundred and sixty-four dollars and sixty cents.

2. It shall be lawful to make any payment authorized by Any payment authorized by this act may be made before March 1, 1871.
this act, at any time prior to the first day of March, eighteen hundred and seventy-one.

3. No money appropriated as above shall be drawn from No money to be drawn until actually required.
the treasury except as the same may be actually required for immediate use.

CHAPTER 107.—An ACT to provide for orphans and destitute children.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for the directors of any corporation formed under chapters fifty-three, fifty-four and fifty-five, of the code of West Virginia, for the purpose of an orphan asylum, to take under their guardianship all children who may be placed under their care and management, in either of the following modes: First. Children under fourteen years of age, who shall be voluntarily surrendered by their father, or in case of his death, or long continued or willful absence, by their mother, or by their guardians, to the care of said directors, they being, by virtue of such surrender, invested with the same power over the said children as the parents or guardians were themselves possessed. Directors of orphan asylum may take charge of children surrendered to them by parents or guardians, and, Second. Children under fourteen years of age, who, upon the application of said directors, may be committed to their care by any judge of a circuit court of any county, or by the recorder thereof, wherein such corporation shall exist, on account of vagrancy, or exposure to want or suffering, or neglect or abandonment of such children by their parents or guardians, or by other persons having custody of said children, or by reason of any such children having been found begging in such county, or likely to become chargeable thereto, or in children committed to their charge by a judge or recorder.

Abstract of evidence to accompany commitment.

accordance with the request of the mother or next friend of any child or children, in case of the habitual intemperance, abuse or neglect of the father of such child or children; and it shall be the duty of such judge or recorder so committing any child to the care of said directors, to annex to the commitment an abstract of the evidence taken before him, and on which the adjudication was founded, which evidence shall have been taken under oath or affirmation.

Directors to have guardianship of children until they arrive at proper age, and place them in suitable homes.

2. Said directors shall have the guardianship of such children until they attain the age of twenty-one years, if a boy, or eighteen years, if a girl, and may, when in the discretion of said directors it shall appear proper, place any of said children in suitable homes, having scrupulous regard to the religious and moral character of those with whom such children are placed, in order to secure to them the benefits of good example and wholesome instruction, and the opportunity of becoming intelligent and useful men and women.

Bond to be taken from persons receiving child.

3. Said directors shall require a bond to be entered into by the person or persons so receiving such child, in a penalty of not less than one thousand dollars, conditioned that such person or persons will furnish said child with good and sufficient clothing, food and medical attendance, and teach it reading, writing and common arithmetic. Such bond shall be made payable to such corporation, and any sum of money recovered on such bond shall be expended by such corporation in the maintenance and tuition of said child.

Money recovered on such bond to be expended for said child.

Person receiving child not to transfer his services without consent of directors.

4. Any person receiving such child or children from the directors of such corporation under the provisions of this act shall not assign or transfer his, her or their services for any period without the written consent of the said directors. And if, for any cause, a person so taking charge of a child desires to be released from the contract, the directors, upon application, may in their discretion cancel the same and resume the charge and management of said child, and shall have the same power and authority over him or her as before the agreement was made.

Directors may release such person from his contract.

Directors may remove child from a home.

5. The said directors shall have power to remove a child or children from a home, when, in their judgment, the said home has become an unsuitable one, and they shall, in such case, re-

sume the same power and authority over such child or children as they originally possessed. Provided, the said directors may, in their discretion, return the said children to parents or surviving parents or guardians, or where they believe said children to be capable of caring and providing for themselves, may discharge them to their own care.

Directors may return children to parents or discharge them.

CHAPTER 108.—An ACT to incorporate the Cheat River Boom and Lumber Company.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

1. That Henry G. Davis, Charles M. Bishop, T. B. Davis, Charles Hooton, and W. R. Davis, and their associates and successors, be and are hereby constituted a body corporate, by the name and style of "Cheat River Boom and Lumber Company," subject to chapters fifty-two and fifty-three of the code of West Virginia, and to such additional powers and privileges as may be granted, and to such additional restrictions as may be imposed by this act.

Corporators.

Powers and privileges of company.

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

Capital stock.

Subscription books.

3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms, with or without piers, across Cheat river, below the Baltimore and Ohio Railroad bridge, within one mile below said bridge, for the purpose of stopping and securing boats, rafts, saw-logs and other timber of value ; and may erect shear booms on said river, and may dredge and clean the channel of said

Privilege of constructing booms on Cheat river.

Authority to deal in lumber and construct tram railways.

river and the main branches thereof, and remove obstructions therefrom; and may build saw-mills and manufacture and sell lumber, and construct tram railways, subject to the provisions of the code.

Authority to hold lands and erect wharves.

4. That said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate, and to engage in mining and manufacturing, and to erect and maintain wharves on Cheat river, subject to the provisions of the code, concerning places of deposit, sale and shipment.

Rates of toll and boomage.

5. The said corporation may, by reason of its compliance with this act, charge and collect toll or boomage, at the rate of seventy-five cents per thousand feet, board measure, for all square timber, saw-logs, boards, plank and other timber that may be floated, rafted or drifted into said boom, and stopped and retained by said boom, or by any logs or other timber in said boom, at any point or place not above said Baltimore and Ohio Railroad bridge. The said corporation shall have a lien on all saw-logs and other timber and lumber thus boomed, for the payment of all toll or boomage and other expenses until the same shall be paid.

Lien for toll or boomage.

Unclaimed timber in booms may be sold after notice.

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

How proceeds disposed of.

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

7. That if any person or persons shall willfully and maliciously injure or destroy any of said booms or piers or other works connected therewith, or shall remove, alter, or deface any mark or marks on any logs or other timber intended for said boom, he shall pay treble damages, to be recovered by an action of trespass, brought in the name of said corpora-

tion, before a justice or any of the courts of the county in which be or they shall reside, or in the county in which the offense was committed; and said person or persons so offending may also be subject to an indictment in the circuit court for the county where the offense was committed, and upon conviction thereof may be punished by fine and imprisonment, in the discretion of the court.

Punishment for injury to works of company.

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

Measurement of timber.

9. That should any boards, logs, or other timber belonging to said corporation, be carried by the winds, by the force of the current, or otherwise, into any bays, creeks, coves, or upon the shore, or any bar or flat lands, it shall be a penal offense for any person or persons, except the owners thereof, to take possession of, sell, or convert to his or their own use, said logs or timber, punishable as provided in the seventh section of this act. Cheat river and its branches are hereby declared a public highway. The corporation shall not be liable for any loss or damage that may be caused by fire or flood, or by the lawful acts of any person or persons not in their employ.

Penalty for converting timber carried away by winds or current.

Cheat river a public highway.

Liability of company for damages.

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

Meaning of words "logs" and "timber."

11. Nothing in this act shall be construed to prevent the Rowlesburg Lumber and Iron Company from erecting a single or double boom across Cheat river, above the Baltimore and Ohio railroad bridge, with or without piers in said river, so as not to interfere with or obstruct the free navigation of said river, as low down as the wharf in Rowlesburg; provided, that the said Rowlesburg Lumber and Iron Company shall not charge more than seventy-five cents boomage per thousand feet, board measure, on any logs, lumber, or other timber secured in their boom; and they shall pass through their boom, within such reasonable time, not exceeding ten days, free of boomage or other charge, any and all logs, lumber, and other timber, that may, at the time it,

Rowlesburg L. & I. Co. not prevented from erecting boom.

Boomage to be charged by said company.

Rowlesburg L. & I. Company to pass timber marked for any boom below,

and on failure, to be liable for damages.

Last mentioned company to have lien for boomage and certain privileges conferred by former charter.

Act may be amended.

comes into their boom, be distinctly marked and designed for any boom below said railroad bridge. And if said Rowlesburg Lumber and Iron Company, or its agent, fail or refuse, upon demand of the owner, or his agent, to pass any logs, lumber, or other timber, marked as aforesaid, through their boom, within a reasonable time, not exceeding ten days from the time it may be lodged in their boom, and so demanded to pass through the same, or within three days from the time the boomage properly chargeable on any logs, lumber, or other timber, not so marked, shall be actually paid, and so demanded to be passed through said boom, then said Rowlesburg Lumber and Iron Company shall be liable to the party aggrieved for double the amount of the actual damages sustained by such party. No judgment for damages, in any case, to be less than fifty dollars, any verdict or evidence to the contrary notwithstanding. The said Rowlesburg Lumber and Iron Company to have the same lien for boomage, and the same facilities for measuring logs and lumber, condemning lands for the erection of booms and works, and the same facilities for enforcing their lien, as is granted in the foregoing charter of the Cheat River Boom and Lumber Company. And provided further, that nothing herein shall be construed to prevent the said Rowlesburg Lumber and Iron Company from the exercise of the privileges granted by the fourth section of their charter subject to the restrictions therein.

12. The right is reserved to the legislature to alter or amend this act. But such alteration or amendment shall not affect the rights of creditors, or impair the vested rights of the corporators.

CHAPTER 109.—An ACT amending the act, entitled "An act establishing a Code of Laws for this State," in relation to proceedings for a rehearing after judgment or decree.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

1. Section twenty-six of chapter one hundred and six of the act entitled "An act establishing a code of laws for this state," known as the "Code of West Virginia," is hereby amended and re-enacted so as to read as follows :

“26. If a defendant against whom, on publication, a judgment or decree has been or shall hereafter be rendered, in an action or suit in which an attachment has been or may be sued out and levied as provided in this chapter, or his personal representative, shall return to or appear openly in this state, he may, within one year after a copy of such judgment or decree has been or shall be served upon him, at the instance of the plaintiff, or within five years from the date of such judgment or decree, if he be not so served, petition the circuit court of the county in which such judgment or decree was rendered, to have the action or suit and proceedings therein reheard. And if any such defendant, or his personal representative, has heretofore appeared as aforesaid, and filed or tendered his petition for such rehearing as aforesaid, in any such action or suit, within the time required by law, and such application or petition be pending and undetermined in the circuit court at the time of the passage of this act, a rehearing in such action or suit shall and may be had as provided in section thirty of this chapter.”

Defendant, against whom judgment on publication, may petition for rehearing.

Rehearing may be had on petition heretofore filed.

2. Section thirty of chapter one hundred and six of the above recited act is hereby amended and re-enacted so as to read as follows :

“30. The defendant, or his personal representative, upon executing and acknowledging an undertaking, with good security, to be approved by the circuit court in which such application or petition for a rehearing is, conditioned to pay all such costs as have been or may be awarded against him in the action or suit in which the judgment or decree was rendered, in case he shall fail to obtain a judgment or decree therein, shall be permitted to make such defense in such action or suit as he might have made if he had appeared therein before such judgment or decree was rendered.”

Defendant permitted to make defense, upon filing undertaking for costs.

3. Section fourteen of chapter one hundred and twenty-four of the above recited act is hereby amended and re-enacted so as to read as follows :

“14. Any party who was not served with process in this state, and did not appear in the action or suit before the date of such judgment, decree or order, or the personal representative of such, may, within one year from that date, if he be not served with a copy of such judgment, decree or order, at the

Party not served with process and who did not appear, may petition for rehearing.

Provisions of chapter 106 applicable to proceedings under this section.

instance of the plaintiff, more than one year before the end of said time, and if he was so served, then within one year from the time of such service, file his petition to have the proceedings reheard, in the manner and form provided for by sections twenty-six and thirty of chapter one hundred and six; and all the provisions of those sections, and of sections thirty-one and thirty-two of chapter one hundred and six, are hereby made applicable to proceedings under this section."

Sections 27, 28 and 29 of chapter 106 repealed.

4. Sections twenty-seven, twenty-eight and twenty-nine of chapter one hundred and six of the above recited act are hereby repealed.

CHAPTER 110.—An ACT to legalize a deed.

Passed March 3, 1870.

Preamble.

WHEREAS, The Western Mining and Manufacturing Company, of Boone county, West Virginia, acting under the authority of a large majority of its stockholders, has, by deed dated February seventh, eighteen hundred and seventy, transferred and conveyed all its property, real and personal, to the "Philadelphia Cannel Coal Company," subject, however, to the payment of all claims, legal or equitable, against said property; and, whereas, some doubt has arisen as to the legality of said transfer and conveyance; now, therefore,

Conveyance recited.

Be it enacted by the Legislature of West Virginia :

Conveyance legalized, but not to affect claims against property.

That the said transfer and conveyance be and the same are hereby declared legal. Provided, however, that the payment of no claims, legal or equitable, against said property, shall be affected by anything contained in this act.

CHAPTER 111.—An ACT to amend and re-enact section 14 of chapter 45 of the Code of West Virginia.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

Section fourteen of chapter forty-five of the Code of West Virginia is hereby amended and re-enacted so as to read as follows :

“14. Whenever it shall happen that persons are so situated as to be better accommodated at the primary school of an adjoining district, whether in the same or an adjoining township or county, or whenever it may be necessary to establish a school composed of pupils from parts of two districts, whether in the same or an adjoining township or county, it shall be the duty of the trustees of the districts interested, to transfer such persons, for school purposes, to the district in which such school house is or may be situated; but the enumeration of youths shall be taken in each district as if no such transfer had been made; and such school, when so composed, shall be supported from the funds of the respective districts from which the pupils may have been transferred, in proportion to their number; and the trustees of the district in which the school is situated shall have the management of such school; and the trustees of the districts so connected for school purposes shall each make the proper estimate of their share of the expenses of every kind necessary to sustain said school, and certify the same to the school boards of their respective townships, as a part of their annual estimates for school purposes, which boards shall draw orders on their respective township treasurers for such sum as will be in proportion to the enumeration of youths so transferred, in favor of that township in which such school is located, to be appropriated to the payment of teachers, and for other purposes connected with the establishment and maintenance of such schools; provided, that in all cases of transfers, the scholar transferred shall only carry with him his pro rata share of the school funds of his own district.”

Transfer of scholars to adjoining district authorized.

Transfer not to affect enumeration.

Scholar transferred to take share of school fund of his district.

CHAPTER 112.—An ACT for the relief of Francis D. Hickman.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

There shall be paid out of the treasury of the state to Francis D. Hickman, of Doddridge county, four hundred and fifty-one dollars and twenty cents, balance due for commissions and delinquent list for the year eighteen hundred and sixty.

\$451 20 appropriated for balance on commissions, etc.

CHAPTER 113.—An ACT regulating the deposits of State funds, and to secure interest thereon.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

Board of public works may contract for interest on state funds.

1. The board of public works, consisting of the governor, auditor and treasurer, are hereby authorized to contract with the designated depositaries of money belonging to the state, for a rate of interest on said funds of not less than three nor more than six per cent.

Limit to amount of deposit.

2. No one of said depositaries shall be allowed to have a sum exceeding one hundred thousand dollars of said funds on deposit at any one time.

Security for deposits to be given

3. Said board shall require said depositaries to give good personal security, or deposit with said board United States or other securities sufficient to indemnify the state against loss.

CHAPTER 114.—An ACT to legalize the marriage of Andrew J. Collins with Sarahetta Cottrill, of Gilmer county.

Passed March 3, 1870.

Preamble.

WHEREAS, Andrew J. Collins and Sarahetta Cottrill of the county of Gilmer, being first cousins, were, on the nineteenth day of September, eighteen hundred and sixty-nine, duly married, in violation of the tenth section of chapter sixty-three of the code of West Virginia; and, whereas, said marriage would not have been in violation of law previous to the passage of said code; and, whereas, at the time of said marriage said code had not been published, and the provision prohibiting first cousins from intermarrying was unknown to said parties; therefore,

Be it enacted by the Legislature of West Virginia :

Marriage legalized.

The marriage of the aforesaid Andrew J. Collins with Sarahetta Cottrill is hereby legalized and made valid, and said parties are exempt from any penalties incurred by them by their marriage aforesaid.

CHAPTER 115.—An ACT to redeem a certain tract of land in the county of Wirt.

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

1. That the New York and Hughes' River Oil Company may redeem a certain tract of one thousand six hundred and seventy acres of land, situated in the county of Wirt, which was returned delinquent for the non-payment of state, school, and county taxes for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and sold by the sheriff of said county November thirteenth, eighteen hundred and sixty-nine, and purchased by the state, upon said company paying to the auditor, on or before the first day of April, eighteen hundred and seventy, the sum of fifty dollars; and upon the receipt thereof, the auditor is hereby directed to grant to said company a certificate of redemption of said tract of land, for the years aforesaid.

Authority to redeem a certain tract of land on payment of \$50.

Auditor to grant certificate of redemption.

2. The board of supervisors of Wirt county, and the board of education of Clay township, in said county, are authorized to release to the said New York and Hughes River Oil Company the county and township taxes erroneously assessed on said one thousand six hundred and seventy acres of land, for the years eighteen hundred and sixty-seven, eighteen hundred and sixty-eight, and eighteen hundred and sixty-nine.

Supervisors and board of education authorized to release erroneous taxes.

CHAPTER 116.—An ACT for the establishment of the West Virginia Institution for the Deaf and Dumb and Blind.

Passed March 3, 1870.

WHEREAS, A superior binding obligation to cherish and educate, as far as possible, all the deaf and dumb and blind youth within its limits, is imposed upon the state by the very laws of nature and all just claims of humanity, which this legislature doth fully recognize; therefore,

Preamble.

Be it enacted by the Legislature of West Virginia :

1. That immediately after the passage of this act, the governor shall appoint one person from each senatorial district of the state, to constitute, collectively, a body corporate, with powers to rent, purchase, and convey real estate, and with all

Appointment of regents.

Incorporation.

other powers necessary for the establishment of a temporary institution for the education of the deaf and dumb and blind youth of West Virginia, as hereinafter provided; and to be known as the "Board of Regents of the West Virginia Institution for the Deaf and Dumb and Blind." Said board shall appoint one of their number as president, and in case of his absence, a president pro tem.; shall also appoint a secretary; and all orders, drafts, etc., of the board shall be signed by their secretary, and countersigned by the president. Said board shall meet as hereinafter provided, and shall hold such other meetings as they may think necessary. Extra meetings may be called by the president, or by any three members of the board, by notifying the other members of the time and place of the meeting, and of the nature of the business which renders an extra meeting necessary. Any three members of said board shall constitute a quorum for the transaction of all ordinary business; but for the location of the institution, and for the appointment to and removal from office, of any of the officers and teachers of said institution, the concurrence of the majority shall be necessary.

Style of corporation.

President and secretary.

Meeting of board of regents.

Quorum of board

First meeting and its business.

2. The board of regents of the West Virginia Institution for the deaf and dumb and blind, shall meet in the city of Wheeling at a time to be specified by the governor, within a period of three months after the passage of this act, and shall proceed [at once to adopt and put in execution the necessary means for the education of the deaf and dumb and blind youth of West Virginia.

Principal.

His duties.

Principal to visit other institutions.

3. At their first meeting, they shall elect a principal, whose term of office shall begin on the day of his election; and in concert with the board, it shall be his duty to superintend all the preliminary preparations for the opening of the West Virginia institution for the deaf and dumb and blind. It shall be his duty, further, to visit all the principal institutions for the deaf and dumb and blind in the country, for the purpose of ascertaining the latest and most improved modes of discipline and instruction adopted in such institutions, and for purchasing, with the advice and consent of the board, such books and apparatus as may be necessary for the efficient working of their own institution; and his traveling expenses shall be paid by the board of regents, out of the funds hereinafter appropriated.

Payment of his traveling expenses.

4. The board of regents, at their first meeting, or as soon thereafter as practicable, shall establish the temporary institution at Romney, in Hampshire county, in the building gratuitously furnished by the citizens thereof, or at some other suitable place; and shall provide, with the advice and co-operation of the principal, the furniture, fixtures, apparatus, etc., necessary for the comfort and convenience of the inmates of the institution, and shall have all things in readiness for the opening of the school on the first Monday in September, eighteen hundred and seventy, or as soon thereafter as practicable.

Establishment of temporary institution.

Furniture, etc.

When school to be opened.

5. The board of regents shall also elect, at their first meeting, or at any subsequent meeting prior to the first day of August, eighteen hundred and seventy, a steward, matron, one male and one female teacher, of the requisite qualifications, whose terms of office shall commence on the day of the opening of the school. The principal, steward, matron, and assistants shall reside in the institution. Their salaries shall be fixed by the board of regents, and shall be paid quarterly, viz: on the first day of October, the first day of January, the first day of April, and the first day of July, in each year, out of the funds hereinafter appropriated. The board of regents shall employ, as visiting physician of the institution, a physician of respectable standing in his profession, and it shall be his duty to render all the medical assistance necessary to its inmates.

Officers of institution.

Salaries; when paid.

Physician.

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

Bonds of principal and steward.

7. The board of regents shall prescribe such by-laws, rules and regulations, for the government and conduct of the institution under their charge, as shall secure the harmonious and efficient management of said institution in all its parts. They shall require such reports from the principal, steward and matron as, in their opinion, the institution may demand. And they shall annually, on or before the first day of January, report to the governor all the facts and circumstances in connection with the establishment and progress of their institution, with a careful statement of all the receipts and disbursements of the same, and shall accompany their annual report with

By-laws.

Reports of officers.

Annual report of board.

such recommendations and suggestions as will enable the state efficiently to foster and promote the enterprise of educating the deaf and dumb and blind youth within its limits. The fiscal year of the institution shall end on the thirty-first day of August, and the accounts of the institution shall be kept with reference to said fiscal year.

Fiscal year of institution.

Institution to accommodate forty persons.

Authorities of Va. and Ohio institutions to be notified when institution open.

Transportation of youth from Va. and Ohio institutions.

Who may be admitted to pupilage.

Record of pupils.

Term of pupilage.

Accommodation of applicants.

8. The board of regents in the establishment of the institution herein authorized shall provide accommodations for not more than forty persons, at first, including officers, assistants, etc. And they shall authorize their principal to notify the principal of the Virginia institution and the superintendent of the Ohio institution for the deaf and dumb and blind, at as early date as practicable, of the time at which the West Virginia institution for the deaf and dumb and blind shall be open, and ready to accommodate the indigent and all other deaf and dumb and blind youth from this state, who have been so kindly, and so liberally accommodated in their respective institutions, and the board shall at that time furnish the necessary means for the transportation of such indigent youth as may then be in said institutions, to their own institution.

9. All deaf and dumb and blind youth, residents of the state of West Virginia, between the ages of six and twenty five years, shall be admitted to pupilage in the institution, on application to the principal, until the institution is filled; applicants shall be admitted in the order of their application; and it shall be the duty of the principal to keep a careful record of the names of all the pupils admitted, with the dates of their admission and discharge, their age, post office address, the names of their parents or guardians, the degree, cause and circumstance of their blindness, etc. All pupils shall be admitted as above directed without charge for board and tuition; and in all cases of indigence their clothing shall be furnished by the institution, while they are inmates of the same. The term of pupilage shall be determined by the board of regents, when they shall have had sufficient facts before them to enable them to decide the question. If the number of applications is more than sufficient to fill the institution, the board of regents shall make every effort in their power, by a careful economy of the funds hereinafter appropriated, to accommodate all, or as many as possible of the applicants. After

all the applicants, between the prescribed ages of six and twenty-five years, have been admitted, if there is still room, the principal may admit other deaf and dumb and blind persons on application, who may be of suitable age to receive any advantages of the institution, and upon the terms herein already prescribed, but it shall be distinctly understood that such persons shall withdraw from the institution in the order of the dates of their admission, to make room for new applicants, between the ages herein already prescribed.

Admission of pupils not within prescribed ages.

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

Course of instruction.

11. In addition to their other duties, the assessors of the state are hereby required to register, in a book to be furnished them by the auditor for the purpose, the names of all deaf and dumb and blind persons in their respective districts, with the degree and cause of their blindness in each case, as far as can be ascertained from the heads of families, or from other persons, whom the assessors may conveniently consult, their ages, the names of their parents or guardians, their post-office address, and such other circumstances as may constitute useful statistical information, in making the institution herein authorized promptly efficient in ameliorating the condition of the deaf and dumb and blind by education. They shall complete this registration as early as possible, in the first annual assessment after the passage of this act, and shall forward their report directly to the auditor, who shall, if practicable, before the first day of July, or as soon thereafter as possible, make an alphabetical abstract of all the facts furnished him by the assessors' reports, and shall send the same by mail to the principal of the West Virginia institution for the deaf and dumb and blind, whose name and post-office address shall be certified to the auditor by the board of regents immediately after his election. And said principal is hereby further required to put himself in immediate correspondence with all the deaf and dumb and blind persons of suitable age and condition, mentioned in the auditor's abstract, with a view to their admission as pupils into the West Virginia institution for the deaf and dumb and blind. The

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

Assessors to report to auditor.

Auditor to forward abstract of assessors' reports to the principal of the institution.

Principal to correspond with the deaf and dumb and blind in the state.

Assessors' compensation for registration.

assessors shall receive for the extra duties hereby imposed, the same compensation as is now allowed them for the registration of births and deaths, and shall be liable to the same penalties for failure to discharge these duties.

\$3,000 appropriated for expenses of establishing and maintaining institution.

12. The sum of eight thousand dollars is hereby appropriated, to be paid out of the treasury of the state upon the order and warrant of the board of regents of the West Virginia institution for the deaf and dumb and blind; which sum shall be used by said board in meeting the expenses of the establishment of the institution hereby authorized, and in supporting the same from the date of its establishment to the thirtieth day of September, eighteen hundred and seventy-one.

CHAPTER 117.—An ACT to amend an act passed February 4, 1870, entitled "An Act to authorize certain townships in the county of Monongalia to subscribe to the capital stock of the Uniontown and West Virginia Railroad Company."

Passed March 3, 1870.

Be it enacted by the Legislature of West Virginia :

The proviso in section four of the act entitled "An Act to authorize certain townships in the county of Monongalia to subscribe to the capital stock of the Uniontown and West Virginia Railroad Company," passed February fourth, eighteen hundred and seventy, is hereby amended and re-enacted so as to read as follows: "Provided, however, that the amount so subscribed by the several townships shall be expended by said company in the construction of said road within the limits of the respective townships so subscribing, and that the citizens of said townships shall have the privilege of subscribing for and taking the township bonds hereinafter provided for, over all other persons.

Township subscription to be expended in such township.

Citizens of township preferred in subscription for township bonds.

JOINT RESOLUTIONS.

[No. 1.] Joint Resolution raising a committee to wait on the Governor.

Resolved by the Legislature of West Virginia, That a joint committee of two members on the part of the Senate, and three on the part of the House of Delegates, be appointed to wait on his excellency the governor, and inform him of the organization of both branches of the legislature, and their readiness to receive any communication he may desire to make.

ADOPTED January 18, 1870.

[No. 2.] Joint Resolution providing for the distribution of copies of the code to members of the legislature.

Resolved by the Legislature of West Virginia, That the public printer of the state furnish to each member of both houses, a copy of the code of West Virginia, stitched as those heretofore disposed of, and that he take receipt for each copy delivered.

ADOPTED January 18, 1870.

[No. 3.] Joint Resolution fixing a time for the election of janitor and guard.

Resolved by the Legislature of West Virginia, That the two branches will proceed on the twentieth day of January, eighteen hundred and seventy, at eleven o'clock, A. M., to elect a janitor and guard.

ADOPTED January 20, 1870.

[No. 4.] Joint Resolution opposing a reduction in the duty on foreign coal.

Resolved by the Legislature of West Virginia, That, in the name of the state, we respectfully petition the Congress of the United States not to reduce the duty now imposed on coal imported into the United States from the British Provinces or elsewhere, as in the opinion of this legislature any such reduction would be unjust and destructive to the coal producing interest of this and other States.

2. That copies of this resolution be transmitted by the governor of this state to the presiding officer of each house of congress, and to each of our senators and representatives therein.

ADOPTED January 20, 1870.

[No. 5.] Joint Resolution requesting a statement of the expenditure of the Civil Contingent Fund.

Resolved by the Legislature of West Virginia, That the governor be and is hereby requested to transmit to this body a detailed report, setting forth in separate items, the disposition of the civil contingent fund since January first, eighteen hundred and sixty-eight, and that he also transmit the vouchers therewith.

ADOPTED January 22, 1870.

[No. 6.] Joint Resolution proposing an adjournment of the Legislature for the afternoon of Friday the twenty-eighth instant.

Resolved by the Legislature of West Virginia, That the Legislature suspend all business on next Friday afternoon, the twenty-eighth instant, for the purpose of giving the members of the same an opportunity to attend the exhibition and exercises of the blind, given under the direction of Professor Johnson.

ADOPTED January 25, 1870.

[No. 7.] Joint Resolution directing the auditor to credit certain moneys paid into the treasury to the general school fund.

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to pass to the credit of the general school fund such proportion of the sum lately paid into the treasury of the state by the Baltimore and Ohio Rail Road Company as it would be entitled to receive under the assessments for the respective years such assessments were made.

ADOPTED February 2, 1870.

[No. 8.] Joint Resolution giving notice to Nathaniel Harrison, judge of the Seventh Judicial Circuit, of proceedings for his removal.

Resolved by the Legislature of West Virginia, That notice be given to Nathaniel Harrison, judge of the seventh judicial circuit of this state, that the Senate and House of Delegates will, on the twenty-fifth day of February, eighteen hundred and seventy, proceed to consider and there-

after to determine the question of his removal from office as aforesaid, pursuant to the thirteenth section of the sixth article of the constitution of this state, and that the following causes are alleged for such removal; that is to say:

I.—*Misconduct.*

In this, that he has been guilty of taking jurisdiction of causes in which he is personally interested, that is to say: In a suit brought by Oscar Callison against Lewis Ballard and Alexander R. Humphreys, in the circuit court of Monroe county, the partnership transactions of said Ballard, Humphreys, Harrison, and one Cyrus Newlin, and William A. Monroe were necessarily involved, against the protest of said Ballard.

And in this, that the said Harrison while judge of the circuit court of Greenbrier county, took jurisdiction of the case of John A. Wills vs. Henry F. Hunter's administrator, the said suit being prosecuted for the benefit of the said Harrison. And the administrator of Henry F. Hunter refusing to pay the bond, on the ground that the consideration was illegal and void, the said Harrison agreed to compromise and receive a less amount, and judgment was rendered for the amount agreed upon at the special term of the Greenbrier circuit court, held in January eighteen hundred and sixty-nine; that the said administrator has paid one hundred dollars of the said judgment, and refuses to pay the residue because the amount already paid is more than his proportion of the personal assets of the estate of said Hunter, that the said Harrison has since assigned the residue of the said judgment to Alexander R. Humphreys, who is now seeking to collect the same.

And also in this: that he has improperly and corruptly advised parties as to suits to be brought by them, and as to the management and conduct of suits pending in his courts, in this, that in a case pending in the circuit court of Monroe county, between Lewis Ballard, plaintiff, and Augustus A. Chapman and others, defendants, he, the said Harrison, maliciously, voluntarily, and corruptly suggested and advised the said Chapman to have his cause tried at the then May term, eighteen hundred and sixty-nine, of said circuit court, proposing at the same time to give him, the said Chapman, a special jury, and to appoint a special officer to summon the jury, for the trial of said cause, who was then known to the said Harrison to be on unfriendly terms with the said Lewis Ballard.

And that he improperly and corruptly advised Lewis Ballard and others, parties litigant in his court, to employ a particular attorney, to-wit: Cyrus Newlin, to bring and prosecute their suits in his said court, the same being in the years eighteen hundred and sixty-five and eighteen hundred and sixty-six, with intent to profit by the fees to be paid to said attorney.

And that he improperly and corruptly consulted and advised with parties about their causes pending in his said court, or with their attorneys. In a case pending in his court, of *Riley vs. Riley*, in the county of Pocahontas, wherein C. A. Sperry, Esq., was the counsel for the defendant, during the recess at dinner, he sought an interview with said Sperry, in which he advised him to put in the Confederate plea, and as to what testimony would be necessary to make out his defense.

And that the said Harrison has improperly and corruptly appeared as an attorney in the courts of the United States, in a suit where the subject in controversy in the said court was also in controversy in a suit pending in his court, in this, that the said Harrison, at the November term, eighteen hundred and sixty-nine, of the District Court of the United States, at Charleston, acted as counsel for William P. Rucker, in a suit in chancery pending against him in said court. Said Harrison appeared as attorney for the purpose of procuring a continuance of said cause, in order that action might be had in a branch of the same case which was pending in the circuit court of Nicholas county, the result of which action in said court in Nicholas county could be pleaded as a defence in said case pending in the United States court.

That he has used his judicial power and authority oppressively, vindictively, and corruptly, in this, that he required all the court orders from every part of his circuit to be published in the *Monroe Republican*, a paper of which he was part owner, so long as the said paper had an existence, to-wit: some time in the year eighteen hundred and sixty-nine.

Also in this: that he appointed Alexander R. Humphreys commissioner and receiver of the circuit courts of the counties of Greenbrier and Monroe, and allowed him a commission upon any sales made by him by virtue of decrees rendered in said courts, to the full extent prescribed by the statute, but also an additional commission of two per cent for the collection of the bonds executed at such sales, in express violation of law.

And also in this: that although the said Humphreys has held the said office of such receiver since sometime in the year eighteen hundred and sixty-six, he, the said Harrison, has failed and neglected to require the said receiver to make a settlement of his said accounts before a commissioner of said Harrison's court, as provided and required by law.

And also in this: that the said Harrison has repeatedly borrowed for his own use funds from the said Alexander R. Humphreys, which he held in his hands as receiver of said courts, without giving security therefor as required by law.

And also in this: That the said Harrison has made unreasonable and illegal allowances out of the funds under his control as judge as aforesaid, to-wit: in the case of *Harrison vs. The Farmers Bank*, in which he allowed to the attorneys in the cause excessive and unusual gratuities.

And also in this: That on the — day of January, eighteen hundred and sixty-nine, the said Harrison, acting in concert with the board of registration of Greenbrier county, made an order, upon citation of the officer, declaring the office of sheriff vacant, upon the ground that the incumbent, Wallace Robinson, had been stricken from the list of voters since his election and qualification, the said Robinson having opposed the election of the said Harrison as judge of the seventh judicial circuit; from which order an appeal was taken to the supreme court of appeals of this state, where the same was reversed; and notwithstanding the reversal thereof, and notice of the same, the said Harrison directed the clerk of the circuit court of said Greenbrier county not to deliver the process of the said court to said Robinson, and directed one of the assessors for said Greenbrier county not to deliver the assessor's books to said Robinson, but to one Oscar Callison, whom the said Harrison had appointed to fill the vacancy produced by his order aforesaid; all of which was unlawful and corrupt.

And also in this: That on the — day of —, eighteen hundred and sixty-five, one Henry F. Hunter, then a citizen of said Greenbrier county, applied to the said Harrison for his judicial endorsement of his (Hunter's) petition for a pardon from the president of the United States, and he, the said Harrison, refused to give his said endorsement unless the said Hunter, or some one for him, would give his bond for three hundred dollars to one John A. Wills, a partner of said Harrison, and living in Washington. The bond thus required was given; whereupon the said Harrison made the endorsement desired, thereby putting a price upon his judicial influence and recommendation.

And also in this: That at the November term, eighteen hundred and sixty-nine, of the circuit court of Monroe county, there being a case on the office judgment docket in the name of Jacob C. Allen, for the benefit of Baldwin Ballard versus Richard A. Hutchinson and Richard Woodram, the said Harrison voluntarily and corruptly appealed to the bar, as many as three times, to put in a plea in the case, saying that he would continue the case if such was done, although there was no defense and no counsel in the case, and notwithstanding one of the said defendants was, at the time, in court and urging a judgment for the plaintiff.

And also in this: That in the year eighteen hundred and sixty-five, and before the said Harrison was appointed judge, he was engaged by one Lewis Ballard, of Monroe county, to prosecute a suit in the district court of the United States for the district of Virginia, against certain parties who had broken open the store of the said Ballard during the late war; that after the said Harrison went upon the bench, and the discovery by the said Ballard of evidence in the county of Monroe upon which to found an indictment, he, the said Ballard, applied to said

Harrison to know whether a criminal proceeding in this state against said parties would affect the said Ballard's chances for recovering in the state of Virginia, in a civil suit; that said Harrison informed said Ballard that it would not, but would add to his chances; whereupon the said Ballard had the evidence brought before the grand jury, and a presentment was found against said parties, to-wit: John R. Gleason, Joseph Harrison, William E. Lunda, Robert Gleaves, William Steptoe, Reece Gillaspie, Jno. B. Young, Jas. O. Young, John Holbrook, and Annin Delong. Upon said presentment a bench warrant was issued, and application was made to the governor of this state for a requisition upon the governor of Virginia, in which state the defendants resided, to surrender said parties; which requisition the said governor of Virginia honored, and issued his warrant for the surrender of said parties, but no proceedings have been had under said warrant. Whilst the said presentment was pending, it was suggested to said Ballard that the said parties were willing to pay a large sum of money if the prosecution should be dismissed. The said Ballard declined to become a party to a compromise of said prosecution; but some time after, on or about the — day of September, eighteen hundred and sixty-seven, the said Ballard was approached by the said Harrison, who remarked to said Ballard that he, the said Harrison, had been corresponding with the parties to said presentment aforesaid, ever since the presentment was found, and that the said parties were now willing to pay something handsome to get rid of said prosecution. Upon being asked by said Ballard what the said parties were willing to pay, the said Harrison replied, some five or six thousand dollars; and that he, the said Harrison, was going on to Mercer and McDowell counties, and that if he (Ballard) said so, he (Harrison) would fix up the matter while he was gone; but that in the event of his (Harrison's) doing so, that he, the said Harrison, must have a thousand dollars of the amount; that upon the said Ballard's declining to have anything to do with such an arrangement, and expressing his surprise that he (Harrison) should approach him on such a subject, he, the said Harrison, remarked to the said Ballard that if he, the said Ballard, did not divide with him, he, the said Harrison, would be God damned if he (Harrison) would ever enter a nolle prosequi, thereby corruptly suggesting and advising a compromise of a criminal prosecution.

And in this: that in the trial of causes the said Harrison takes sides with his friends and flatterers, and against those whom he holds as his enemies; and shows his bias from beginning to the end of the trial, making it difficult, if not impossible, to get a just and fair verdict of the jury, that is to say: in the case of Kelley vs. Lewis and others in Greenbrier or Monroe county now pending in the supreme court of appeals of this state, also in the case of Augustus Pack vs. Amos A. Hauxbarger on

trial at the September term, eighteen hundred and sixty-nine, in the circuit court of Monroe county.

And also in this: that the said Harrison, at a special term of the circuit court of Greenbrier county, commencing in the month of December last and continuing into the month of January following, came into court one morning with a rule, prepared, against Alexander Walker, a member of the bar of said court, to show cause why his name should not be stricken from the roll of attorneys; that the said rule was immediately served, and the said Walker forced to trial without any time for preparation whatever; that at the time of the sitting of said court, on the day aforesaid, the said Harrison came into court with the order disbaring said Walker already prepared, and having heard the evidence, although the same did not sustain the allegations of the rule, he had the said order immediately entered of record, which he had previously prepared, revoking the license of the said Walker as an attorney at law, and disbaring the said Walker from the courts of this state.

And also in this: that the said Harrison permitted one Hercules Scott to qualify as deputy clerk of the circuit court and deputy recorder of Mercer county, without taking the oaths required by law.

And also with willful and corrupt swearing, in this that the said Harrison swore when taking his official oath, as judge as aforesaid, that he had not sought to exercise the functions of any office whatever under any authority in hostility to the United States, which it is charged is false in the following particulars: First, The said Harrison sought the office of aid on the staff of General Augustus A. Chapman, a brigadier general in the confederate militia. Second, The said Harrison sought an office in the quartermaster's department of the confederate army, through the friendly intercession and recommendation of Major Harry H. Harrison, then an officer in the confederate army. Third, That the said Harrison sought an office under the confederate government in the bureau of exchange of prisoners of war.

In his said oath the said Harrison swore that he had given no aid or comfort to persons engaged in armed hostility to the United States by countenancing, counseling or encouraging them in the same, which it is charged is false, in this: First, that he voluntarily took an oath to support the confederate government, at Covington, Virginia, on the — day of —, and at Fincastle, Virginia, on the tenth day of December, eighteen hundred and sixty-two, and that in conversation with one Thomas J. Michie and others, and among them several confederate officers, encouraged them in their hostility to the government of the United States.

And also in this: that the said Harrison was intoxicated while en-

gaged in the discharge of his official duties when on the bench, to-wit: on the first day of January, eighteen hundred and sixty-nine.

And also that the said Harrison while occupying his said office as judge aforesaid has been guilty of gross licentiousness and adultery, which is calculated to bring the judiciary into contempt, in this that he has committed adultery with Nannie Perkins, Jane Reynolds, Fannie White and others, and also with ———, in the county of Pocahontas, while holding court in said county, to-wit: during the year eighteen hundred and sixty-nine, and prior thereto.

II.—*Neglect of Duty.*

In this that he failed and neglected to discharge his duty as judge of the circuit court of Pocahontas county during the terms of said court during the years eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, by adjourning his court early in the day before adjourning time, while business was proceeding therein, and absenting himself in the country for licentious purposes until late in the succeeding day, whereby suitors and all other persons having business in said court, were greatly hindered in the trial of their business, and put to great trouble and expense, which practices were continued from day to day.

ADOPTED February 4, 1870.

[No. 9.] Joint Resolution fixing the time and manner of the trial of Nathaniel Harrison, Judge of the Seventh Judicial Circuit.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet in the hall of the House of Delegates, on Friday, the twenty-fifth day of February, eighteen hundred and seventy, in joint convention, for the purpose of hearing the evidence and arguments of counsel on the trial of the charges against Nathaniel Harrison, judge of the seventh judicial circuit; and that any votes which may be required during the progress of said trial, shall be had by each house in its own hall; and at the termination of said trial, each house shall vote separately upon each of said charges.

ADOPTED February 4, 1870.

[No. 10.] Joint Resolution requesting Congress to amend section nine of the pension law, approved July 2, 1864, so as to include persons hereinafter named.

Resolved by the Legislature of West Virginia, Whereas, during the war of the rebellion in the United States, divers persons in the state

of West Virginia, not enlisted soldiers, volunteered or were ordered into service, for the time being, to serve with regularly organized United States troops, as well as other persons who were in regularly organized companies of state militia, who rendered efficient service on the side of the United States in the suppression of the rebellion, some of whom were killed in said service, or were made prisoners, and died while such prisoners, or of disease contracted while in said service, some of said persons left widows and minor children surviving them, most of them dependent on the charities of the country for their support, and believing they are justly entitled to the benefits of the pension law, do make the request of the Congress of the United States to amend said ninth section of said act, so as to give such persons the same benefits of the pension laws as those who were regularly mustered into the United States service.

2. That our senators and representatives in Congress are most respectfully requested to press the passage of such amendment of said pension law.

3. That the governor is hereby requested to furnish at once a copy of these resolutions to each member of our representatives in Congress.

ADOPTED February 8, 1870.

[No. 11.] Joint Resolution providing for service on Nathaniel Harrison, judge of the seventh judicial circuit, of the charges and specifications against him.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet, in joint convention, in the hall of the House of Delegates, twenty days after the service upon Nathaniel Harrison of a copy of these resolutions, and the charges and specifications, as contained in House Joint Resolution number thirteen, for the purpose of hearing the evidence and arguments of counsel on the trial of the charges against Nathaniel Harrison, judge of the seventh judicial circuit of this state; and that any votes which may be required to be taken during the progress of said trial shall be had by each house in its own hall; and at the termination of said trial, each house shall vote separately upon each of said charges.

2. That the clerk of the House of Delegates is hereby directed to telegraph Henry M. Mathews, at the White Sulphur Springs, Greenbrier county, in this state, or at such other place as a telegram will reach the said Mathews, these resolutions, and service of a copy of such telegram, together with a copy of the charges and specifications adopted by House Joint Resolution number thirteen of this session, upon Nath-

aniel Harrison, in the mode prescribed by law, shall be held a valid and legal service of the said charges and specifications and these resolutions.
 ADOPTED February 8, 1870.

[No. 12.] Joint Resolution instructing the auditor in his next annual report to give in detail certain expenses of the state government.

Resolved by the Legislature of West Virginia, That the auditor, in his next annual report, give in detail all items of expenses connected with the present legislature, registration of voters, salaries, and expenses of judges, and courts, public printing, and arrest and support of criminals in jails.

ADOPTED February 10, 1870.

[No. 13.] Joint Resolution providing for a recess of the legislature.

Resolved the Legislature of West Virginia, That when the senate and house of delegates adjourn this day, they stand adjourned until Tuesday next at 10 o'clock, A. M.

ADOPTED February 11, 1870.

[No. 14.] Joint Resolution authorizing the board of public works to make temporary provisions for the care of the insane of the state, now confined in the county jails, or otherwise supported by the state.

WHEREAS, There are now confined in the jails of the different counties throughout the state, a large class of our citizens known as insane persons, where they are being supported in an uncomfortable condition, and at an immense expense to the state, and it is believed a majority of them if properly treated can be cured; and, whereas, we feel it to be our duty to ameliorate, as far as it is within our power, their sad condition, as well as save the public funds; therefore,

Resolved by the Legislature of West Virginia, That the board of public works is hereby authorized to contract with the proper authorities of the institutions in our sister states, for the maintenance, care and treatment of such insane persons, as are, or may be, confined in county jails, until such time as there may be room for them in our own hospital for the insane.

2. The board of public works, through the governor, is hereby requested, by special messenger, if necessary, to communicate with the authorities controlling the institutions of our sister states as aforesaid, and ascertain whether the object sought by these resolutions can be attained, and if so, at what cost, and report to this legislature as soon as possible.

ADOPTED February 11, 1870.

[No. 15.] Joint Resolution inviting Rev. D. H. Coyner to address the Legislature.

Resolved by the Legislature of West Virginia, That Rev. D. H. Coyner be invited to address the members of the Senate and House of Delegates, in the hall of the house, on Tuesday evening, the fifteenth instant, at seven o'clock, on the subject of immigration into the state, and that the public generally be invited to attend.

ADOPTED February 15, 1870.

[No. 16.] Joint Resolution raising a joint committee to investigate alleged illegal charges for freight and passengers imposed by the Baltimore and Ohio Railroad Company.

WHEREAS, It is represented to this legislature that gross injustice is being done to citizens of this state, by discriminations against them practiced by the Baltimore and Ohio railroad company, in charges for freight and passengers to intermediate stations on said Baltimore and Ohio railroad, and the Parkersburg branch thereof, in excess of charges for similar freight and passengers passing over the entire line of said road and branch; and whereas, it is claimed that such discriminations are in violation of the restrictions imposed on said company by its charter, and unwarranted by law; therefore,

Resolved by the Legislature of West Virginia, That a joint committee of three members on the part of the house, and three on the part of the senate, be appointed to inquire whether such discriminations are practiced by said company, to investigate the same, and report what measures may be proper for the remedy thereof. The said committee shall have power to send for persons and papers, and to report by bill or otherwise.

ADOPTED February 15, 1870.

[No. 17.] Joint Resolution raising a joint committee of seven to investigate the affairs of the Penitentiary.

WHEREAS, The last legislature appointed a joint committee to investigate the affairs of the penitentiary at Moundsville, and report to this legislature; and said committee having made a unanimous report, containing sundry charges reflecting unfavorably upon the management of said institution, and the superintendent thereof; therefore,

Resolved by the Legislature of West Virginia: That a joint committee of three from the Senate, and four from the House of Delegates, be appointed to take into consideration said report of the committee and

the papers relating thereto, and recommend to the legislature, at an early day, what action, if any, ought to be taken.

ADOPTED February 16, 1870.

[No. 18.] Joint Resolution requesting Congress to grant pensions to the Soldiers of the War of 1812.

WHEREAS, It is the first duty of the government to care for and protect its defenders; and

WHEREAS, There are yet among us a few surviving soldiers of the war of 1812, many of whom are in indigent circumstances; therefore,

Resolved by the Legislature of West Virginia, That congress be requested to grant pensions to the surviving soldiers of the war of 1812; and that the governor furnish copies of this resolution to the president of the United States Senate and the speaker of the House of Representatives.

ADOPTED February 17, 1870.

[No. 19.] Joint Resolution providing for the publication and distribution of a pamphlet descriptive of West Virginia, and inviting immigration from the Northern States.

Resolved by the Legislature of West Virginia, That five thousand copies of the pamphlet written by the Rev. D. H. Coyner, "descriptive of the soil, climate, agricultural and mineral resources; the great water power and immense manufacturing advantages of West Virginia, and inviting immigration from the northern states," be published at a cost not exceeding one hundred and twenty-five dollars, and circulated through the same by the writer, Rev. D. H. Coyner.

ADOPTED February 18, 1870.

[No. 20.] Joint Resolution to secure an appropriation of money or donation of public lands, by Congress, for losses sustained by loyal citizens of West Virginia during the war.

WHEREAS, During the late rebellion many of the citizens of the state of West Virginia, on account of their loyalty to the general government and devotion to the federal Union, were overrun, robbed, and plundered by persons in armed hostility against the government of the United States, and their property forcibly and against their will taken away and used in support of such rebellion; and

WHEREAS, Such persons have no means of redress or compensation for such losses, except through and by the aid of congress; therefore,

Resolved by the Legislature of West Virginia, That in view of the facts above recited, which are hereby affirmed to be true, our senators and representatives in congress be requested to use their influence to secure an appropriation of money or donation of public lands for the purpose of compensating the loyal citizens of West Virginia for their losses sustained during the late war of the rebellion.

ADOPTED February 18, 1870.

[No. 21.] Joint Resolution proposing to celebrate the anniversary of Washington's birthday.

Resolved by the Legislature of West Virginia, That the Senate and House of Delegates meet in joint session in the hall of the latter, on the twenty-second instant, at ten o'clock, A. M., and that Washington's farewell address be read.

ADOPTED February 18, 1870.

[No. 22.] Joint Resolution in reference to the death of Henry A. G. Zeigler, late general superintendent of free schools.

WHEREAS, we have learned with deep regret that the late superintendent of free schools, Henry A. G. Zeigler, departed this life, yesterday, February seventeen, at his residence in this city. In this dispensation of Divine Providence, the state has been deprived of a valuable young man. With a mind of more than ordinary capacity, he had acquired not only a classical education, but had formed habits of moral rectitude and generous bearing, which endeared him to all who knew him. Though but a few years a citizen of this, his adopted state, he had won the confidence of the people; and the legislature bestowed upon him, about one year ago, the honorable position of state superintendent of free schools, the duties of which office he zealously entered upon with high hopes of usefulness, but had scarcely time to form his plans, before the disease which had terminated his career, paralyzed his manhood; thus vanishes our fondest hopes and brightest expectations. Captain Zeigler in early manhood, entered the Union army, in an Ohio regiment, and spent four years of his life in the great struggle for the Union and his country. He escaped the perils of many hard fought battles, to die with lingering disease, which he bore with christian fortitude without a murmur. We can but mourn the loss of such a man; therefore,

Resolved by the Legislature of West Virginia, That we deeply regret the loss by death of Henry A. G. Zeigler, the state superintendent of free schools; that we take this mode of expressing our sympathy for his parents, brothers and sisters, in this, their bereavement and loss.

Resolved, That the governor of the state be requested to communicate a copy of this expression to the parents of Captain Zeigler.

ADOPTED February 18, 1870.

[No. 23.] Joint Resolution authorizing the clerk of the House of Delegates to issue subpoenas for witnesses on behalf of Nathaniel Harrison, judge of the seventh judicial circuit, and providing for the expenses of the same.

Resolved by the Legislature of West Virginia, That the clerk of the House of Delegates, be, and he is hereby authorized on the application of the Honorable Nathaniel Harrison, judge of the seventh judicial circuit, of West Virginia, or his counsel, to issue process for such witnesses as he may request, not exceeding thirty, to testify for him on the charges now pending against him, before the legislature, which shall be served by the sergeant-at-arms of the House of Delegates, or such person or persons as he may designate and appoint for that purpose, and that the witnesses shall be paid as provided for in chapter one hundred and thirty of the code of West Virginia.

ADOPTED February 19, 1870.

[No. 24.] Joint Resolution relating to the application of the proceeds of sale of the United States property at Harper's Ferry.

WHEREAS, In a bill providing for the sale of the lands, tenements and water privileges belonging to the United States at and near Harper's Ferry, in the county of Jefferson, West Virginia, it was enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the secretary of war be authorized and directed to make sale of the lands tenements and water privileges aforesaid, and that the proceeds of such sale be applied by him as follows: First. In defraying the expenses of making said sale. Second. In refunding to the United States the principal sum of purchase money paid for said lands, tenements, and water privileges by the United States, and for the erection of buildings thereon. Third. If any surplus remain, he shall deliver the same to such agent as the legislature of the state of West Virginia shall appoint to receive the same conditioned, so as to be set apart, held, invested, used and applied as a part of the school fund of said state; and

WHEREAS, Said lands, tenements and water privileges aforesaid were actually sold by order of secretary of war, under authority of said act of congress for an amount largely in excess of the expenses of said sale, and

WHEREAS, A question arises upon the construction of the second clause of that part of said act providing for the application of proceeds of said sale, so as to leave in doubt and undetermined what amount of said proceeds shall be refunded to the United States, and consequently what surplus shall inure to the benefit of the school fund of this state, therefore,

Resolved by the Legislature of West Virginia, That our Senators and Representatives in the Congress of the United States, be requested and instructed to give their prompt attention, and earnest and united effort in securing a fair and liberal construction of said law, either by special legislation in congress, or by whatever means they may deem most expedient, to secure as large a surplus as possible for the school fund of this state.

2. That the governor of this state is hereby requested to furnish a copy of these resolutions to the President of the United States Senate, the Speaker of the House of Representatives and each of the senators and representatives therein from this state.

ADOPTED February 21, 1870.

[No. 25.] Joint Resolution directing the Board of Public Works to make a change in the Superintendency of the Penitentiary.

WHEREAS, There appears to be some irregularity in the management of the affairs of the penitentiary under the management of G. S. McFadden; and

WHEREAS, There is an extensive dissatisfaction among many of our fellow citizens in regard to the superintendency of said G. S. McFadden, therefore,

Resolved by the Legislature of West Virginia, That the board of public works be and are hereby directed to make a change in the superintendency of the penitentiary as soon as they can obtain the services of a competent man.

ADOPTED February 21, 1870.

[No. 26.] Joint Resolution permitting the auditor to allow John Alford, late sheriff of Cabell county, to withdraw his delinquent list, to enable him to copy the same.

WHEREAS, It appears to the satisfaction of the legislature that the original delinquent lists of John Alford, late sheriff of Cabell county, have been sent to the auditor, instead of copies thereof, as required by law, and that no copies thereof have been returned by the clerk of the board of supervisors of said county; therefore,

Resolved by the Legislature of West Virginia, That the auditor be and he is hereby authorized to deliver the said delinquent lists to the said Alford, late sheriff as aforesaid, to take back to the county of Cahell, to have the proper copies thereof made and forwarded to the said auditor, as required by section twenty-one of chapter thirty of the code of West Virginia; and that upon such copies being made and forwarded, the said original lists be filed and preserved in the office of said clerk.

ADOPTED February 22, 1870.

[No. 27.] Joint Resolution requesting Congress to grant a pension to John B. Shipman, of Upshur county.

WHEREAS, John B. Shipman, of Upshur county, while acting as scout and guide to the United States military forces during the late war, received injuries which disable him for life; and whereas, the said Shipman, although meriting assistance from the United States for the services aforesaid, is not entitled to such assistance under the general pension law; therefore,

Resolved by the Legislature of West Virginia, That the Congress of the United States be respectfully requested to grant such a pension to said Shipman as he would be entitled to receive had he been mustered into the United States service; and that our senators in Congress be instructed and our representatives requested to favor such action on the part of Congress.

2. That the governor be requested to forward a copy of these resolutions to each of our said senators and representatives.

ADOPTED February 23, 1870.

[No. 28.] Memorial and Joint Resolution concerning a Water Line Communication between the Western States and the Atlantic Seaboard.

The Legislature of the state of West Virginia to the Senate and House of Representatives of the United States, respectfully represent:

That there is a necessity for a shorter, cheaper, and better channel of communication between the western states and the atlantic seaboard.

That such a channel can be obtained through Virginia, by connecting the waters of the James and Greenbrier, and improving the Greenbrier, New, and Kanawha rivers.

That the benefits to be derived from this work, when completed, would be enjoyed equally by the eastern and western states, and by a majority of the states of the Union; and that in case of hostile invasion, it would

be invaluable to the government as an interior means of communication, by which supplies in large quantities could be cheaply and safely transported from the west to the eastern cities; and that for these reasons it may justly and properly be considered a national work.

That the states of Virginia and West Virginia, through which this road passes, are unable to complete it, and they feel justified, in consideration of the general benefits to the people of the United States, and the peculiar benefits to the general government, in soliciting its aid in the prosecution of this great enterprise.

The necessity for a shorter and cheaper channel of communication between the western states and the Atlantic seaboard is clearly shown by the present enormous charges upon the transportation of grain from the north-western states to New York. The charges on wheat to the Mississippi river to New York, by railroad, when the canals are closed, average seventy-two cents per bushel; and even by water transportation from Chicago, the charges sometime amount to fifty-six cents per bushel, or about sixty-two cents per bushel from the Mississippi river. So that the farmers west of the Mississippi river have to pay about one half of their crops to get the other half to market. In fact, the charges on wheat from the northwestern states are so onerous that it is questionable whether there is any profit in its cultivation; and if some remedy is not speedily applied, its production for exportation from these states will be greatly diminished, if not altogether abandoned.

This state of things is produced by the inadequacy of the present means of transportation, the pressure on the water routes being so great during the limited season between the harvesting of the crops and the closing of navigation, that exorbitant prices are demanded for freight; and the distance by railroad is so great that transportation can never be brought down to a price that will leave a sufficient profit to the farmer, and at the same time be remunerative to the railroads.

The effect of the high prices of freight is to depress the agricultural interests of the states and territories west of the Mississippi, and to discourage and check immigration.

That these evil influences may be removed, that the agricultural interests of the west may be protected, and that immigration may be encouraged, it is absolutely necessary that cheaper transportation shall be provided between the Mississippi and the seaboard.

The multiplication or the consolidation of railroads will not effect the desired end, because, as above stated, the distance is too great for agricultural products to be carried by rail at a profit.

A sufficiently cheap transit can only be obtained by water, and by opening a communication from the Mississippi by way of the Ohio river and the Virginia water line, to the capes of Virginia.

This route will consist of the Ohio river, from its mouth to Point Pleasant, a distance of seven hundred and twenty-eight miles; the Kanawha, New, and Greenbrier rivers, two hundred and eight miles; the James river and Kanawha canal (including forty-six miles of slack-water navigation,) from Greenbrier river to Richmond, two hundred and seventy-two miles; and James river to Hampton Roads, one hundred and twenty-five miles; total distance from mouth of Ohio to Hampton Roads, one thousand three hundred and thirty-three miles.

To perfect this route, it is proposed to improve the Kanawha river from its mouth to Lykens shoals, for sluice navigation; thence to improve that river and the New and Greenbrier rivers, by locks and dams, for steamboat navigation, to the mouth of Howard's creek; and to cut a canal from Howard's creek to Buchanan, seventy-six miles, of the same size as the Erie canal, with locks one hundred and twenty feet long and twenty feet wide, and to enlarge, to the same dimensions, the canal already made from Buchanan to Richmond, one hundred and ninety-six miles. The total length of improved river and canal navigation will be four hundred and eighty miles, of which two hundred and fifty-four miles will be river slack-water navigation, and two hundred and twenty-six miles canal navigation. Constructed upon this scale, the canal would be adapted to boats carrying two hundred and eighty tons, and would have a capacity of four million tons annually. But there is no necessity that the canal should be restricted to this size. It could be made sufficiently large to accommodate boats of five hundred tons, and would then have a capacity of twenty-one million six hundred thousand tons.

When this route shall have been completed, it is believed that it will present the shortest, cheapest, and best line from the Mississippi to the Atlantic.

The distance from the Mississippi to Hampton Roads, by this route, is one thousand three hundred and thirty-three miles.

The distance by the Illinois and Michigan canal, the lakes and Erie canal, to New York, is one thousand nine hundred and nineteen miles.

By the Fox and Wisconsin improvement and lakes, to New York, it is one thousand five hundred and sixty miles.

By the most direct railroad route to Chicago, and thence by the lakes to New York, it is one thousand seven hundred and thirty-one miles.

By the Ohio river, Wabash canal, lakes, and Erie canal, to New York, it is one thousand four hundred and eighteen miles.

By the Ohio river, Ohio canal, lakes, and Erie canal, to New York, it is one thousand six hundred and thirty-eight miles.

The distance from the mouth of the Ohio, by the Mississippi river and Gulf, to New York, is two thousand eight hundred and seventy-six miles.

It will thus be seen that the distance from the Mississippi river to Hampton Roads, by the Central water line, is less by eighty-three miles than the shortest water route from the Mississippi to New York; five hundred and eighty-six miles less than by the longest northern water route, and one thousand five hundred and forty-three miles less than by the Gulf route.

It will also be the cheapest route for all points on the Mississippi river between Memphis and Dubuque; for although there may be a slight difference in the actual cost of transportation, in favor of the Fox and Wisconsin and Lake route to New York, the fact that the latter route will be so much sooner closed by ice, and the consequent great pressure on it in the fall months, will continue to operate unfavorably to cheapness of transportation. The charges on wheat from Chicago to New York by the lakes and canal during this pressure go up as high as fifty-six cents per bushel, while on the central water line wheat can be carried for at least ten months in the year, and frequently all the year round, without any hurry or pressure for fear of being frozen up, at the rate of twenty-seven cents per bushel. There will thus be a saving, the cheapest route, at some seasons, of twenty-nine cents per bushel, and as the rail roads charge on an average from sixty to seventy cents per bushel there will be a saving on those routes of from thirty-three to forty-three cents per bushel. It may therefore be safely assumed, that an average saving of thirty cents per bushel on the transportation of grain from the northwestern states to the Atlantic, will be effected by the opening of the Virginia water line.

Besides being the shortest and cheapest route it will also be the best.

It will be better than the northern route by the lakes and Erie canal, because that route is closed for five months in the year, and at the very time when there is the greatest demand for transportation. It will also be better than that route on account of the great risk and danger to which navigation is subjected by the boisterous weather and the storms that prevail on the lakes during the fall and winter months.

It will be better than the route by New Orleans and the Gulf on account of the greater length of that route; the loss of time thereby, and the great risk attending the navigation by the Florida Pass.

It will be better than both of those routes, because it lies wholly within the territory of the United States, and will open an internal navigation from the Ohio, Mississippi and Missouri rivers and their branches by way of Chesapeake Bay, the Chesapeake and Delaware canal, the Delaware river and the Delaware and Raritan canal, to Baltimore, Philadelphia and New York, that will be secure from the attacks of an enemy in time of war; thus affording a safe and cheap means of transporting supplies

from the interior to the seaboard cities, which would be impracticable by the other routes.

If we should have a war with Great Britain, the routes by the Gulf and the lakes would be closed to commerce, and the railroads would be insufficient to carry the additional freight that would be thrown upon them. There would then be no avenue by which the products of the west could be carried to the Atlantic cities. The consequences would be a scarcity of provisions, high prices, and great suffering in the east, and no market, no money, and general dissatisfaction and depression in the west.

A new water route is therefore indispensably necessary, and is demanded as much for the interests of the eastern as of the western states, and indeed for the whole country.

It is estimated that the exportation of cereals from the states in the valley of the Mississippi, that would use the Virginia water line, if their increased production is not checked by want of transportation, will, in 1880, amount to five hundred million bushels. Of this crop, the Virginia canal, if constructed on the scale now proposed, could carry two million bushels at a saving of thirty cents per bushel on the present prices, which would be a saving of sixty million dollars per annum, on a part of the crop. But competition produced by the opening of this line would have the effect of cheapening transportation on all other lines, and if the saving by the use of this line should be only ten cents in the bushel on the whole crop, it would amount to fifty million dollars annually, which is more than the estimated cost of the work. There can not, therefore, be a shadow of a doubt that this work would pay for itself in one year, by the cheapening of transportation on grain alone, because, although the Virginia canal would be inadequate to carry the whole surplus product of the west; still the effect of its construction would be to cheapen transportation on other lines, at least ten cents in the bushel, and therefore, would affect the whole grain crop of the west to the amount stated, and put that much money in the pockets of the farmers.

The question of cheap food is one of vital importance to the eastern states. Cheap food makes cheap labor, which is the foundation of the success of manufactures. High prices of food cause a demand for higher prices for labor, strikes among the operatives, interruptions to business, and general distress and loss in manufacturing communities.

Cheap transportation would have the effect of reducing the price of provisions, and would thereby benefit the manufacturers of the east as much as it would the farmers of the west.

The people of the east are interested in this work in another way. Its construction would develop the inexhaustible mines of the Kanawha valley, and would throw into the markets of the east the best cannel,

splint, and bituminous coals; and if the canal should be thrown open free of toll, these coals could be sent from the Kanawha valley to New York at a less price than the Cumberland and Pennsylvania coals.

The development of this coal and of the immense beds of iron ore of East and West Virginia, in close proximity to each other, and on the very border of the canal and of the Chesapeake and Ohio railroad, would open up a new and boundless field for the enterprise and mechanical skill of the whole country.

The immense trade that would be thrown on the canal and the railroad by the development of this almost virgin country, and by the opening of a cheaper line of communication with the west, and which would seek a market through the capes of Virginia, would revive and give a new impetus to the commercial and shipping interests of the eastern cities.

Thus the agricultural interests of the west, the manufacturing and commercial interests of the east, and the defensive capacity of the country will be promoted by the opening of the Virginia water line, and it is for these reasons that Virginia and West Virginia, unable to finish this work, ask the aid of the government in completing this grand improvement, which appears to be so necessary for the prosperity, progress and power of the whole country.

The estimated cost of the work is forty million dollars, and it is confidently believed that it can be completed in four years.

It is respectfully asked that the Congress of the United States shall in such way as may seem to them best, either by direct appropriation or by a loan of the credit of the government, furnish the means for executing the work in four years.

On her part, the state of Virginia will willingly relinquish all of her interest in the work, which is represented by more than ten million dollars, of which seven million four hundred thousand dollars is preferred stock, money actually expended in prosecuting the work to Buckhannon, and will turn the work over to the government to be completed in such manner as congress may direct.

If Congress shall see fit to complete the work by direct appropriation, without a return of principal and interest, Virginia will further agree that the water line, as soon as completed, shall be thrown open to the public, free of toll, except so far as may be necessary to keep the road in repair. This suggestion is made with the broad view that it is a work in which the whole nation will be the stockholders, and that the money paid for its construction will be more than returned every year, principal and interest, in the saving of the cost of transportation, the cheapening of provisions, and the general development and prosperity of the country.

But if this view should not prevail, it is not doubted that the money advanced by the government could be speedily returned, both principal

and interest, from the revenues derived from tolls, and when that shall have been done, then the state will consent that the water line shall forever be a public highway, free of toll, except for purposes of repair.

The state of West Virginia will agree that the work shall be prosecuted, either under the management of the present company, subject to such regulations and restrictions as Congress may impose, or by commissioners appointed by the states of Virginia and West Virginia, who will hold the property as a sacred trust, for the benefit of the whole country; or that the prosecution of the work and the management of the property, when it shall have been completed, shall be committed to a board of eleven trustees, one of whom shall be appointed by the President of the United States, and one each by the states of Iowa, Missouri, Arkansas, Illinois, Indiana, Kentucky, Ohio, Virginia, West Virginia, and Maryland, as recommended by the National Board of Trade, at its annual session in December last; or in any other way in which its construction and management will best promote the prosperity and welfare of the whole country; therefore,

Resolved, That our senators in Congress be instructed, and our representatives be requested to use their best efforts to obtain such aid from the general government as will secure the early completion of said line of water communication.

2. That the general assembly of the state of Virginia be and they are hereby respectfully requested to present to the congress of the United States a similar memorial, and, by resolution, request their representatives and instruct their senators to sustain the improvement or water line described in the foregoing memorial, in the manner and to the extent therein proposed.

3. That a copy of these resolutions and the accompanying memorial be forwarded by the secretary of state to the President of the United States, President of the Senate, to the Speaker of the House of Representatives, and to each of our representatives and senators in the Congress of the United States.

ADOPTED February 23, 1870.

[No. 29.] Joint Resolution authorizing the Auditor to place a certain sum of money to the credit of John Alford, late Sheriff of Cabell county.

WHEREAS, It appears that the auditor of this state put into the hands of John Alford, former sheriff of Cabell county, certain tax tickets, amounting to four hundred and ninety dollars and eighty cents, which had been returned by John B. Baumgardner, collector of said county, as delinquent; and

WHEREAS, It appears that instead of being delinquent, said Baumgardner had collected the same; therefore,

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to credit said John Alford the said sum of four hundred and ninety dollars and eighty cents, on his account with the state as sheriff aforesaid, for the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and charge the same to the said J. B. Baumgardner.

ADOPTED February 25, 1870.

[No. 30.] Joint Resolution concerning the trial of Nathaniel Harrison, Judge of the Seventh Judicial Circuit.

Resolved by the Legislature of West Virginia, That the parties who preferred the charges against Nathaniel Harrison, judge of the seventh circuit, be permitted, upon the trial of said Harrison, in person or by counsel, to appear for the prosecution of the charges aforesaid.

2. That such persons, or their counsel, shall be permitted to introduce and examine the testimony, and in all respects to conduct said trial against said Harrison.

3. That no person shall be permitted to speak more than ten minutes on any motion or question of law or evidence connected with said trial, unless the session shall be extended for the trial aforesaid; provided, that both the counsel for the prosecution and defense, shall each have three hours in which to argue the case at the close of the testimony.

4. That House joint resolution number twenty-two be so modified as that, on any question arising in connection with or during the progress of said trial, and until the final question be taken, the vote of the respective bodies may be taken in the hall of the House of Delegates, without the necessity of senators withdrawing to their chamber for the purpose of voting.

ADOPTED February 28, 1870.

[No. 31.] Joint Resolution extending the powers of the Joint Special Committee to investigate alleged discriminations on freight and passengers by the Baltimore and Ohio Railroad.

Resolved by the Legislature of West Virginia, That the joint special committee appointed under House joint resolution number eighteen of the present session, to investigate alleged discriminations against citizens of this state by the Baltimore and Ohio railroad, in charges for freight and passengers, have power to sit after the adjournment of the legisla-

ture, at such place and time as the committee may determine. The said committee, if they deem it necessary so to do, may employ a clerk. Four of said committee shall constitute a quorum. The said committee shall report to the next regular session of the legislature.

ADOPTED February 28, 1870.

[No. 32.] Joint Resolution proposing an Amendment to the Constitution of the State.

Resolved by the Legislature of West Virginia, The following is proposed as an amendment to the constitution of this state, to be substituted for section one of article three thereof, and to become part of the said constitution, when ratified according to the provisions thereof, namely :

“The male citizens of the state shall be entitled to vote at all elections held within the election districts in which they respectively reside; but no person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony, or bribery in an election, or who has not been a resident of the state for one year, and of the county in which he offers to vote for thirty days next preceding such offer, shall be permitted to vote while such disability continues.”

ADOPTED February 28, 1870.

[No. 33.] Joint Resolution raising a Joint Committee to confer with the Commissioners appointed by the State of Virginia, to adjust the Public Debt with the State of West Virginia.

WHEREAS, The state of Virginia, by act approved February the eighteenth, eighteen hundred and seventy, provided for the appointment of three commissioners to treat with the authorities of the state of West Virginia upon the subject of a proper adjustment of the public debt of the state of Virginia; and

WHEREAS, The governor by a communication dated February twenty-fourth, eighteen hundred and seventy, notified the legislature of the passage of the above recited act; and

WHEREAS, The governor on the twenty-eighth of February, eighteen hundred and seventy, notified the legislature that said commissioners, on the part of Virginia, had been appointed, and are now in the city of Wheeling for the purpose of carrying said act, above recited, into effect, therefore,

Resolved by the Legislature of West Virginia, That a joint committee of two upon the part of the Senate and three upon the part of the House of Delegates, be appointed by the presiding officers of their respective

bodies, to confer with said commissioners, and report to this legislature the result of said conference.

2. All communications connected with said commission are hereby referred to said committee.

ADOPTED March 1, 1870.

[No. 34.] Joint Resolution directing the Auditor to show in his next annual report all the levies made by State, County and Township authorities for the last year.

WHEREAS, It is represented to the present legislature that the taxes levied and collected in many of the counties in this state, by county and township boards, for county, township, school and road purposes are extravagantly high, onerous, and ought not to be borne, and it being the duty of the representatives of the people to enquire into said complaints, and if found to exist, apply a corrective, and to enable the legislature at its next session to learn the truth of said complaints, and have before them sufficient facts to enable them to correct the evil, if found to exist, therefore

Resolved by the Legislature of West Virginia, That the auditor ascertain from the proper authorities of the several counties of this state, the amount of taxes levied therein for the last year, and the purposes for which the several levies were made, and that he make out a statement in tabular form to accompany his next annual report, showing the amount of such taxes and the several purposes for which they were laid, with the state taxes for that year, including schools, so as to show the burthen borne by the people of the several counties of this state in the form of taxation; also showing the per centum of said burthen upon the real and personal taxable property of the several counties.

ADOPTED March 1, 1870.

[No. 35.] Joint Resolution adding two members to the joint special committee to confer with the Virginia commissioners.

Resolved by the Legislature of West Virginia, That Daniel Lamb, on the part of the house, and one member on the part of the senate, be added to the joint special committee, to confer with the commissioners of Virginia, in relation to the Virginia state debt.

ADOPTED March 1, 1870.

[No. 36.] Joint Resolution to instruct the attorney general to institute proceedings in the nature of quo warranto against the corporation known as the Moorefield and South Branch Turnpike Company.

WHEREAS, The Moorefield and South Branch Turnpike company have failed to put and keep in order that portion of their road which lies in the counties of Pendleton and Grant; and, whereas, the said company have forfeited the franchise in so much of said road, as lies in said counties by such failure and by non-user; therefore,

Resolved by the Legislature of West Virginia, That the attorney general institute such proceeding as may be necessary to secure the forfeiture of the franchises of the said company, in so much of the said road as lies in the said counties.

ADOPTED March 1, 1870.

[No. 37.] Joint Resolution to allow a certain credit to John W. Hobbs, late sheriff of Hancock county.

WHEREAS, John W. Hobbs, late sheriff of Hancock county, has by a misunderstanding failed to make sale of the delinquent lands for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four; and, whereas, since the year eighteen hundred and sixty-five, a list of the lands and lots mentioned in said delinquent land lists of eighteen hundred and sixty-three and eighteen hundred and sixty-four, has been transmitted by the auditor to, and said lands and lots sold by the sheriff of said county in the year eighteen hundred and sixty-eight; and, whereas, without action on the part of the legislature, the auditor can not place to the credit of said John W. Hobbs, the amount of taxes and interest charged in said lists; therefore,

Resolved by the Legislature of West Virginia, That the auditor is hereby authorized to enter such amount of said delinquent lists to the credit of said John W. Hobbs, late sheriff as aforesaid.

ADOPTED March 2, 1870.

[No. 38.] Joint resolution fixing the amount of mileage to be paid certain witnesses for Nathaniel Harrison.

Resolved by the Legislature of West Virginia, That J. M. D. Alderman, a witness on behalf of Nathaniel Harrison, from Pocahontas county, receive the same mileage as witnesses in the same case from Greenbrier county; and that William P. Rucker receive the same mileage as other witnesses from Nicholas county.

ADOPTED March 3, 1870.

[No. 39.] Joint Resolution authorizing the purchase by the Governor of three hundred copies of the book entitled the "West Virginia Hand Book."

WHEREAS, No appropriation was made for the current year for the distribution of information in regard to the resources of the state, by the Commissioner of Immigration,

Resolved by the Legislature of West Virginia, That the governor be authorized to purchase three hundred copies of the West Virginia Hand Book, of two hundred pages, with map, at a cost not to exceed two hundred and fifty dollars, to be paid out of the contingent fund, for gratuitous distribution to strangers applying to him for information upon the resources of the state.

ADOPTED March 3, 1870.

[No. 40.] Joint Resolution relating to the adjustment of the public debt with the commissioners appointed for the purpose by the State of Virginia.

Resolved by the Legislature of West Virginia, That the governor appoint three resident citizens of this state, one from each congressional district, to treat with the authorities of the state of Virginia on the subject of a proper adjustment of the public debt of that state, due or incurred prior to the first day of January, eighteen hundred and sixty-one, and a fair division of the property belonging to that state on that day; and make report thereof to this legislature for its approval or disapproval at its next regular session, with the facts and documents upon which their report is founded. Provided, that nothing herein contained shall be construed as waiving or impairing in any way the rights of this state to jurisdiction over the counties of Berkeley and Jefferson.

2. The commissioners so to be appointed shall proceed without delay in the execution of their duties, and as compensation for their services, shall receive six dollars per day for the time actually employed therein, and the same mileage as that allowed to members of the legislature.

ADOPTED March 3, 1870.

[No. 41.] Joint Resolution providing for the payment of D. L. Davis, Sergeant-at-arms, and William A. Janes, deputy for the Sergeant-at-arms of the House of Delegates, in summoning the witnesses in the case of Nathaniel Harrison, under joint resolution of this Legislature.

Resolved by the Legislature of West Virginia, That D. L. Davis be allowed the sum of thirty-eight dollars and fifty cents, and William A. Janes be allowed the sum of one hundred and ninety-four dollars and

ten cents, for expenses incurred, and per diem for ten days, in summoning the witnesses in the case of Nathaniel Harrison; and that the serjeant-at-arms of the House of Delegates be instructed to issue his warrants to them for those amounts.

ADOPTED March 3, 1870.

[No. 42.] Joint Resolution fixing the mileage of Zachariah Trueblood, a witness of Nathaniel Harrison.

Resolved by the Legislature of West Virginia, That Zachariah Trueblood, a witness summoned here in behalf of Nathaniel Harrison, late judge of the seventh judicial circuit, from Greenbrier county, be allowed the same mileage that has been allowed to witnesses in the same case, from the same county.

ADOPTED March 3, 1870.

[No. 43.] Joint Resolution directing the publication of certain acts with the Code.

Resolved by the Legislature of West Virginia, That the publisher of the code be and he is hereby authorized to publish with the same, as an appendix thereto, the several acts passed during the present session, amending and re-enacting certain sections and chapters of said code.

ADOPTED March 3, 1870.

[No. 44.] Joint Resolution directing the Secretary of the State to furnish each member of the Legislature with a copy of the code of West Virginia.

Resolved by the Legislature of West Virginia, That the secretary of state furnish to each member of this legislature one copy of the code of West Virginia, including the acts ordered by this legislature to be incorporated therein, and indexed.

ADOPTED March 3, 1870.

CORPORATIONS.

SAINT JOHN'S SCHOOL.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Saint John's School,' for the purpose of establishing and maintaining in the town of Charleston, in the county of Kanawha, state of West Virginia, a primary and classical school, for teaching branches of useful information, the promotion of religion, and the diffusion of knowledge, in connection with the Protestant Episcopal Church; which corporation is to keep its principal place or house of instruction at Charleston, aforesaid, and to be perpetual, unless dissolved by act of the legislature. And for the purpose of forming the said corporation, we have subscribed the sum of two thousand three hundred dollars to the capital stock thereof, and have paid in on said subscriptions the sum of two hundred and thirty dollars, or ten per cent thereof, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Joseph A. Noch, Kanawha Court House, one share; William A. Quarrier, Kanawha Court House, one share; George Jeffries, Kanawha Court House, two shares; J. T. Cotton, Kanawha Court House, two shares; Alex. T. Laidley, Kanawha Court House, one share; Delafield Du Bois, Kanawha Court House, one share; Thomas B. Swann, Kanawha Court House, one share; James H. Rodgers, Kanawha Court House, two shares; James M. Laidley, Kanawha Court House, five shares; N. Fitzhugh, Kanawha Court House, two shares; C. Hedrick, Kanawha Court House, one share; Jos. Bibly, Kanawha Court House, two shares; S. Patrick, Kanawha Court House, one share; D. J. Lewis, Coals Mouth, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifteenth day of May, eighteen hundred and sixty-eight.

[Signed.]

C. HEDRICK,
DELAFIELD DU BOIS,
JOSEPH BIBLEY,
By Alex. T. Laidley.
SPICER PATRICK,
By Alex. T. Laidley.
D. J. LEWIS,
By Alex. T. Laidley.
JAMES M. LAIDLLEY,
JAMES H. RODGERS,

THOS. B. SWANN,
By Alex. T. Laidley.
GEORGE JEFFRIES,
N. FITZHUGH,
JOSEPH A. NOCH,
By Alex. T. Laidley.
ALEX. T. LAIDLLEY,
WM. A. QUARRIER,
J. T. COTTON.

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date, a perpetual corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twenty-eighth day of January, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE ODD FELLOWS MUTUAL AID SOCIETY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation, by the name of "The Odd Fellows Mutual Aid Society," for the purposes of benevolence and charity, and for that purpose desire the privilege to make such by-laws and regulations as shall be adopted by a majority of the members thereof for the government of said society; to have a common seal; to sue and be sued, plead and be impleaded; and to purchase, hold, lease, sell and convey, for charitable purposes aforesaid, real property to the value of ten thousand dollars, and personal property to the value of ten thousand dollars; which corporation shall keep its principal office or place of business at Wheeling, Ohio county, West Virginia, and is to be perpetual.

Given under our hands this thirtieth day of January, eighteen hundred and sixty-nine.

[Signed,]

H. A. UTHMAN, Virginius Lodge, No. 2.
WILLIAM GRAY, Franklin Lodge No. 3.
J. T. HOHMAN, Win. Tell Lodge No. 6.
J. A. MILLER, Wheeling Lodge No. 9.
F. FALLOURE, Panola Lodge No. 12.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date a perpetual corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this thirtieth day of January, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

STATE INSURANCE COMPANY OF PARKERSBURG, W. VA.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'State Insurance Company of Parkersburg, West Virginia,' for the purpose of insuring against all marine risks, and against any damage or loss by fire or by any other liability, casualty or hazard upon any and every kind of property, real and personal or marine; to make insurance on life; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange and other evidences of debt; to lend money on bottomry and respondentia; to cause themselves to be insured against all risks they may have in any property or life in their own right, or in virtue of any bonds or advances or of any policy or contract of insurance; to invest its capital stock or other funds of the company in bank or other stocks, in the purchase of bonds issued by this State, the United States or any one of the United States, or the bonds of any incorporated company; to lend money on personal or real security; to discount notes and bills of exchange, and receive the interest in advance; to pay interest on money deposited with them, and give certificates therefor, and all other things deemed necessary to carry on a general insurance business; which corporation shall keep its principal office or place of business at Parkersburg, Wood county, and is to expire on the twenty-seventh day of January, one thousand eight hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of thirteen thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of thirteen hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The

capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by John J. Jackson, ten shares; James M. Stephenson, ten shares; T. H. Monroe, ten shares; Henry Logan, ten shares; Charles H. Shattuck, ten shares; T. I. Boreman, five shares; M. P. Amiss, ten shares; S. Prager, five shares; James W. Dils, ten shares; Jacob B. Jackson, ten shares; J. N. Camden, ten shares; H. H. Moss, five shares; John Hall, five shares; Thompson Leach, ten shares; M. C. C. Church, five shares; and K. B. Stephenson, ten shares; all of the county of Wood and state of West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount. Given under our hands this twenty-seventh day of January, eighteen hundred and sixty-nine.

[Signed,]

J. M. STEPHENSON,	M. P. AMISS,
J. J. JACKSON,	S. PRAGER,
H. LOGAN,	H. H. MOSS,
T. I. BOREMAN,	JOHN HALL,
K. B. STEPHENSON,	THOMPSON LEACH,
C. H. SHATTUCK,	M. C. C. CHURCH,
JAMES W. DILS,	J. N. CAMDEN,
J. B. JACKSON,	T. H. MONROE.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-seventh day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this second day of February, eighteen hundred and sixty-nine.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE WOOD COUNTY BUILDING ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has this day been delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the ‘Wood County Building Association,’ for the purpose of raising moneys to be loaned among the members of the same, for use in buying lots or houses, or in building or repairing houses, and for all legal purposes prescribed by an act of the legislature of West Virginia, entitled “An Act to encourage the formation of homestead and building associations,” passed February fourth, eighteen hundred and sixty-seven; which cor-

poration shall keep its principal office or place of business in the city of Parkersburg, West Virginia, and shall expire on the first day of January, eighteen hundred and eighty-nine. And for the purpose of forming said corporation, we have subscribed the sum of fifteen hundred dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all. The capital so subscribed is divided into shares of three hundred dollars each, which are held respectively as follows, that is to say: by Rezin P. Davis, one share; Isaac W. Hiteshew, one share; H. Holmes Moss, one share; Walling W. Van Winkle, one share; Charles Gambrell, one share; and William E. Millbank, one share. All residing and doing business in the city of Parkersburg, West Virginia. And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our bands this twenty-seventh day of January, A. D. eighteen hundred and sixty-nine.

[Signed,]

REZIN P. DAVIS,
J. W. HITESHEW,
H. H. MOSS,
W. W. VAN WINKLE,
CHAS. GAMBRILL,
W. E. MILLBANK,

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this fourth day of February, eighteen hundred and sixty-nine.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

VALLEY CITY SALT COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

We, the undersigned, agree to become a corporation, by the name of the "Valley City Salt Company," for the purpose of digging or boring for salt and other minerals, and manufacturing and marketing the same;

and also for mining coal and marketing the same; also for selling goods; which corporation shall keep its principal office or place of business at Hartford City, in Mason county, West Virginia, and to expire on the first day of November, eighteen hundred and eighty-eight, and for the purpose of forming the said corporation we have subscribed the sum of thirty-three thousand seven hundred dollars to the capital thereof, and have paid in on said subscription the sum of three thousand three hundred and seventy dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by James R. Meeks, of Hartford City, Mason county, West Virginia, twenty shares; William Harpold, of the same place, fifty shares; John J. Weaver, of Graham township, in Mason county aforesaid, ten shares; Joseph Seigrist, of said Graham township, twenty shares; Peter Harpold, of Racine, Meigs county, Ohio, forty shares; Henry Harpold, of said Racine, twenty shares; the Middleport Machine Company, a corporation duly organized under the laws of the state of Ohio, of Middleport, in said Meigs county, twenty shares; Peter Gress, of Minersville, in said county of Meigs, five shares; Nicholas Gress, of said Minersville, five shares; Martin Kratz, of Pomeroy, Meigs county, Ohio, six shares; William A. Roberts, of Letart, Meigs county, Ohio, ten shares; David Bibber, of said Letart, twenty shares; James Hall, of Lebnon, Meigs county, Ohio, twenty shares; W. B. Williamson, of said Lebnon, twenty shares; J. P. Williamson, of said Lebnon, eight shares; Taylor Williamson, of said Lebnon, eight shares; Wm. Proctor, of Ravenswood, Jackson county, West Virginia, twenty shares; J. N. Jones, of Cooper, Mason county, West Virginia, twenty shares; Rankin Wiley, of Hartford City, Mason county, West Virginia, fifteen shares, and the capital stock to be hereafter sold is to be divided into shares of like amount.

Given under our hands and seals this first day of February, eighteen hundred and sixty-nine.

[Signed,]

JAMES R. MEEKS,
WM. HARPOLD,
DAVID BIBBER,
HENRY HARPOLD,
PETER HARPOLD,
JOHN J. WEAVER,
JOSEPH SEIGRIST,
PETER GRESS,
WM. A. ROBERTS,
JAMES HALL.

MIDDLEPORT MACHINE CO.,
Per Joseph McKnight, Agent.
W. D. WILLIAMSON,
WILLIAM PROCTOR,
J. P. WILLIAMSON,
TAYLOR WILLIAMSON,
J. N. JONES,
bis
MARTIN \bowtie KRATZ,
mark.
NICHOLAS GRESS,
RANKIN WILEY.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of November, eighteen hundred and eighty-eight, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this fourth day of February; eighteen hundred and sixty-nine.

JOHN S. WITCHER,
Secretary of the State.

SEAL.

THE GERMAN PRINTING AND PUBLISHING ASSOCIATION OF WHEELING.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of ‘The German Printing and Publishing Association of Wheeling,’ for the purpose of publishing a German newspaper and carrying on the printing business generally; which corporation shall keep its principal office or place of business at Wheeling, West Virginia, and is to expire on the first day of November, eighteen hundred and eighty-eight. And for the purpose of forming the said corporation we have subscribed the sum of three hundred dollars to the capital stock thereof, and have paid in on the said subscription the sum of thirty dollars, and desire the privilege of increasing the said capital by the sale of additional shares from time to time to twenty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively, as follows, that is to say, John Roemer, five shares; Augustus Pollack, five shares; Anton Reymann, five shares; Joseph Seybold, five shares; J. H. Diss Debar, five shares; John Oesterling, five shares; all of the city of Wheeling and State of West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of January, eighteen hundred and sixty-nine.

[Signed,]

JOHN ROEMER,
J. H. DISS DEBAR,
AUGUSTUS POLLACK,
A. REYMANN,
JOSEPH SEYBOLD,
JOHN OESTERLING.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of November, eighteen hundred and eighty-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this tenth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

WHEELING LODGE NO. 9, INDEPENDENT ORDER OF ODD FELLOWS.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Wheeling Lodge No. 9, Independent Order of Odd Fellows,' for the purposes of benevolence and charity, and for that purpose desire the privilege to make such by-laws and regulations as shall be adopted by a majority of the members thereof for the government of said lodge. To have a common seal, to sue and be sued, plead and be impleaded, and to have perpetual succession; to purchase, hold, lease, sell and convey, for the purposes aforesaid, real estate to the value of five thousand dollars, and personal property to the value of eight thousand dollars. And said corporation shall keep its office or place of business at Wheeling, in the state of West Virginia.

Given under our hands this twenty-ninth day of January, A. D., eighteen hundred and sixty-nine.

[Signed,]

JACOB MORRIS,
R. G. BARR,
JAS. HOLLINGSWORTH,
WM. ELLINGHAM,
N. W. BECK."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date a perpetual corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this sixth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE MOOREFIELD BUILDING CO-OPERATIVE ASSOCIATION.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

"The undersigned agree to become a corporation by the name of the 'Moorefield Building Co-operative Association,' for the purpose of accumulating a fund, in a safe and easy way, by the savings of the members thereof, and the profits thereon, to enable them to purchase homesteads, and to improve the same by building thereon, the business thereof being to loan out the assets of said corporation to the incorporators therein, or to others, for the purposes aforesaid; to discount paper, or purchase the same, or to invest in any desirable personal securities, or receive deposits; which corporation shall keep its principal place or office of business at Moorefield, in the county of Hardy, and is to expire on the tenth day of February, eighteen hundred and seventy-nine. And for the purpose of forming the said corporation, we have subscribed the sum of eight hundred and sixty dollars to the capital thereof, and have paid in on said subscription the sum of eighty-six dollars, and desire the privilege of increasing the said capital by the sale of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say: Samuel A. McMechen, twenty shares; John W. Inskeep, ten shares; Gottlieb Hutton, ten shares; David L. Wilson, ten shares; Robert A. Wilson, ten shares; Isaac Hutton, ten shares; Edward O. Harwood, five shares; D. O. Maupin, five shares; Joseph Sprigg, five shares; Isaac G. Mask, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this first day of February, eighteen hundred and sixty-nine.

[Signed,]

S. A. McMECHEN,
JOHN W. INSKEEP,
GOTTLIEB HUTTON,
D. L. WILSON,
R. A. WILSON,

E. O. HARWOOD,
ISAAC HUTTON,
D. O. MAUPIN,
ISAAC G. MASK,
JOSEPH SPRIGG."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of February, eighteen hundred and seventy-nine, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this sixth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE BARNSVILLE MANUFACTURING COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

“ The undersigned agree to become a corporation by the name of the ‘ Barnsville Manufacturing Company,’ for the purpose of manufacturing all kinds of woolen and woolen and cotton goods ; also, all kinds of flour and feed, and buying and selling wool and woolen goods and mixtures of cotton and woolen fabrics ; which corporation shall keep its principal office or place of business at Barnsville, in the county of Marion, and is to expire on the first day of January, eighteen hundred and eighty-nine. And for the purpose of forming said corporation, we have subscribed the sum of fifty thousand nine hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty thousand nine hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as as follows, that is to say : by James F. Barns, of Barnsville, one hundred and sixty-five shares ; James R. Fleming of Barnsville, one hundred and thirty-nine shares ; Elmies Hamilton, of Marion county, West Virginia, one hundred and thirty shares ; John S. Barns, of Barnsville, sixty shares ; Henry Lee Barns, of Barnsville, fifteen shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fourth day of January, eighteen hundred and sixty-nine.

[Signed,]

JAMES F. BARNS,
JAMES R. FLEMING,
ELMIES HAMILTON,
JOHN S. BARNS,
HENRY LEE BARNS.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this ninth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE POINT PLEASANT MARINE RAILWAY COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

“The undersigned agree to become a corporation, by the name of ‘The Point Pleasant Marine Railway Company,’ for the purpose of building a marine railway or floating dock, and building or repairing all kinds of sea-going vessels, steamboats, propellers, canal boats, keel boats, barges, etc.; also the manufacture of sash, doors, window blinds, and lumber of all descriptions; and the erection of a machine shop for the building and repairing of all kinds of machinery; which corporation shall keep its principal office or place of business at the town of Point Pleasant, in the county of Mason and state of West Virginia, and is to expire on the second day of February, in the year eighteen hundred and eighty-nine; and for the purpose of forming the said corporation, we have subscribed the sum of eleven thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of nine thousand dollars, and desire the privilege of increasing the said capital by sale of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: James Capehart by F. W. Sisson, fifty-five shares; James Crookham, by F. W. Sisson, ten shares; Francis W. Sisson, five shares; C. Shrewsbury, thirteen shares; Robert S. Bickle, six shares; Frederick Ford, five shares; Daniel Polsley, by D. W. Polsley, five shares; D. W. Polsley, ten shares; Samuel G. Shaw, three shares; William H. Tomlinson, three shares; all of Mason county, West Virginia, and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighth day of February, eighteen hundred and sixty-nine.

[Signed,]

JAMES CAPEHART,
By F. W. Sisson.
JAMES CROOKHAM,
By F. W. Sisson.
F. W. SISSON,
R. S. BICKLE,
DANIEL POLSLEY,
Per D. W. Polsley.

D. W. POLSLEY,
C. SHREWSBURY,
W. H. TOMLINSON,
S. G. SHAW,
F. FORD.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the second day of February, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twelfth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE GERMAN BENEFICIAL SOCIETY OF THE CITY OF WHEELING.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'The German Beneficial Society of Wheeling,' for the purposes of benevolence and charity, and for that purpose desire authority to purchase, hold, lease, sell and convey real property to the value of twenty-five thousand dollars, and personal property to the value of twenty-five thousand dollars; the principal office or place of meeting to be in the city of Wheeling, West Virginia.

Given under our hands this thirteenth day of February, eighteen hundred and sixty-nine.

[Signed,]

JOHN VOCKLER,
AUGUST GERING.
L. WILHELM.
C. HESS.
FRANK A. WOEBER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, a perpetual corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this fifteenth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

THE BALTIMORE AND OHIO GAS COAL COMPANY.

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the

proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Baltimore and Ohio Gas Coal Company,' for the purpose of mining and shipping coal; making and selling coke; farming and grazing, and selling timber; which corporation shall keep its principal office or place of business at the city of Baltimore, in the county of Baltimore and state of Maryland, and is to expire on the ninth day of February, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of seventy-five thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of fifty-five thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned respectively, as follows, that is to say: John C. Bridge, of Baltimore, Maryland, three hundred shares; Gerard T. Hopkins, of Baltimore, Maryland, two hundred and fifty shares; Hiram Woods, of Baltimore, Maryland, one hundred and fifty shares; Daniel C. Woods, of Baltimore, Maryland, one hundred and fifty shares; Joseph W. Jenkins, of Baltimore, Maryland, one hundred and fifty shares; George B. Wright, of Columbus, Ohio, four hundred shares; Norman Gay, of Columbus, Ohio, four hundred shares; William Willshire Riley, of Columbus, Ohio, four hundred shares; Jacob H. Studor, of Columbus, Ohio, four hundred shares; Benjamin Wilson, of Wilsonsburg, West Virginia, four hundred shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this ninth day of February, eighteen hundred and sixty-nine.

[Signed,]

JACOB H. STUDOR,	J. C. BRIDGE,
W. WILSHIRE RILEY,	HIRAM WOODS,
B. WILSON,	JOS. W. JENKINS,
NORMAN GAY,	D. C. WOODS,
GEORGE B. WRIGHT,	GERARD T. HOPKINS."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the ninth day of February, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this eighteenth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

**THE MARYLAND AND WEST VIRGINIA WOOL-GROWING,
MINING AND MANUFACTURING COMPANY.**

I, John S. Witcher, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation, by the name of "The Maryland and West Virginia Wool-Growing, Mining and Manufacturing Company," of Baltimore, for the purpose of growing wool and raising stock generally, mining coal, iron ore and other minerals, manufacturing lumber, salt, iron, etc., on certain lands situate in Wyoming, Logan and Boone counties, in the state of West Virginia, erecting saw-mills and all other necessary buildings thereon, vending and transporting to market such stock, wool, lumber, salt, iron or other commodities or products thereof; which corporation shall keep its principal office or place of business in the city of Baltimore, in the state of Maryland, and is to expire on the fourth day of February, eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming the said corporation, we have subscribed the sum of sixty-five thousand dollars to the capital thereof, and have paid in on said subscription the sum of fifty-five thousand dollars, and desire the privilege of increasing the capital by the sale of additional shares, from time to time, to one million of dollars. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by T. J. Simpson, fifty shares; William G. W. Jaeger, fifty shares; Francis B. Loney, ten shares; Samuel M. Shoemaker, ten shares, and Moor N. Falls, ten shares; all of the said subscribers being residents of the city of Baltimore, in the state of Maryland; and the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands this fifteenth day of February, eighteen hundred and sixty-nine.

[Signed,]

T. J. SIMPSON.
WILLIAM G. W. JAGER.
M. N. FALLS.
FRANCIS B. LONEY.
SAMUEL M. SHOEMAKER.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of February, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twenty-fourth day of February, eighteen hundred and sixty-nine.

SEAL.

JOHN S. WITCHER,
Secretary of the State.

GERMAN SALT AND COAL COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has this day been delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'German Salt and Coal Company,' for the purpose of mining and selling coal and the manufacture and sale of salt, and also the manufacture of cast or wrought iron in any of their forms, including the transportation to market and sale thereof; which corporation shall keep its principal office or place of business on the premises of the said German Salt and Coal Company, in Waggener township, Mason county, West Virginia, and is to expire on the twenty-third day of February, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of twelve thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of two thousand seven hundred and ten dollars, and desire the privilege of increasing the said capital by sales of additional shares of stock, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by George Weyersmiller, of the town of Pomeroy, Ohio, twenty shares; John Mees, of the town of Adamsville, Mason county, West Virginia, twenty shares; Abraham Truth, of the town of Pomeroy, Ohio, ten shares; Charles Bares, of the town of Pomeroy, Ohio, ten shares; George Rheineschild, of the town of Pomeroy, Ohio, fifty-five shares; Peter Lambrecht, of the town of Pomeroy, Ohio, ten shares. And the capital to be hereafter sold into be divided into shares of like amount.

Given under our hands this twentieth day of February, eighteen hundred and sixty-nine.

[Signed,]

GEORGE WEYERMILLER,
JOHN MEES,
ABRAHAM TRUTH,
CHARLES BARES,
GEORGE RHEINESCHILD,
PETER LAMBRECHT."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-third day of February, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twenty-seventh day of February, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

VALLEY FIRE INSURANCE COMPANY OF WEST VIRGINIA.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

“The undersigned agree to become a corporation by the name of ‘Valley Fire Insurance Company of West Virginia,’ for the purpose of insuring against any damage or loss by fire, or by any other liability, casualty or hazard upon any and every kind of property, real and personal, or mixed; to make insurance on lives; to grant annuities; to receive endowments; to contract for reversionary payments; to guarantee the payment of promissory notes, bills of exchange, and other evidences of debt; to lend money on bottomry and respondentia; to cause themselves to be insured against all risks they may have in any property or lives in their own right, or in virtue of any bonds or advances, or any policy or contract of insurance; to invest its capital stock or other funds of the company in bank or other stocks, in the purchase of bonds issued by this state or the United States, or any one of the United States, or the bonds of any incorporated company; to lend money upon personal or real security; to discount notes and bills of exchange and receive the interest in advance; to pay interest upon money deposited with them and give certificates therefor, and all other things necessary to carry on a general insurance business; which corporation shall keep its principal office or place of business at Kearneysville, Jefferson county, West Virginia, and is to expire on the first day of March, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of fourteen hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of one hundred and forty dollars, and desire the privilege of increasing said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one

hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by James Logie, of Jefferson county, two shares; Robert W. Baylor, of Jefferson, two shares; Theodore Homsher, of Jefferson, two shares; George A. Porterfield, of Jefferson, two shares; Daniel Getzenaump, of Jefferson, two shares; H. Bitner, of Jefferson, two shares; John W. Grantham, of Jefferson, two shares. And the capital to be hereafter sold is to be divided into shares of like amount

Given under our hands this twenty-seventh day of February, eighteen hundred and sixty-nine.

[Signed,]

JAMES LOGIE,
ROBERT W. BAYLOR,
THEODORE HOMSHER,
GEO. A. PORTERFIELD,
DANIEL GETZENAUMP,
H. BITNER,
JOHN W. GRANTHAM."

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this sixth day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

CONCORD UNION.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'Concord Union,' for the purpose of providing homes in Wetzel county, in West Virginia for its members, and promoting their moral and intellectual improvement, and improvement in agriculture and horticulture; establishing and carrying on mining and preparing for market, transportation and sale of oil, coal, ores, minerals, and other products of their lauds; cutting, sawing, vending and transportation of lumber, and manufacturing and disposing of the products thereof; and generally do and perform all matters and things needful in furtherance of said objects; which corporation shall keep its principal office or place of business in

Magnolia township in Wetzel county in the state of West Virginia, and is to expire on the ninth day of March, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of six hundred dollars to the capital thereof, and have paid in on said subscription the sum of six hundred dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to ten thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by David Haering, one share; Lewis Aurin, one share; Rudolph Englehard, one share; Edward Sprung, one share; Ernest Schwindich, one share; Albert Ruedinger, one share; Joseph Mayer, one share; all residents of Allegheny county, in the state of Pennsylvania. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this ninth day of March, eighteen hundred and sixty-eight.

[Signed,]

D. HAERING,
L. AURIN,
EDW'D SPRUNG,
ERNEST SCHWINDICH,
A. RUEDINGER,
JAS. MAYER."

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the ninth day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twelfth day of March, eighteen hundred and sixty-nine.

J. M. PIPES,
Secretary of the State.

SEAL.

THE ODD FELLOWS HALL ASSOCIATION.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of "The Odd Fellows' Hall Association," for the purpose of purchasing the necessary grounds and material, and constructing thereon a three-story brick building, with basement, in the town of Charleston, Kanawha county, West Virginia, the second story of said building to be used as a public hall, the third to be used by the Odd Fellows and other benevo-

lent associations, as a place of meeting, and the first story and basement to be rented for business purposes; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the seventeenth day of February, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscription the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: George Jeffries, of Charleston, ten shares; Romeo H. Freer, of Charleston, ten shares; J. W. Cracraft, of Charleston, ten shares; Joseph Shields, of Charleston, ten shares; Davis H. Estill, of Charleston, ten shares; Samuel Strauss, of Charleston, ten shares; C. Philip Snyder, of Charleston, ten shares; H. C. McWhorter, of Charleston, ten shares; O. H. Merry, of Charleston, ten shares; James M. Atkinson, of Charleston, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of February, eighteen hundred and sixty-nine.

[Signed,]

GEORGE JEFFRIES,
ROMEO H. FREER,
J. W. CRACRAFT,
SAMUEL STRAUSS,
DAVIS H. ESTILL,

H. C. MCWHORTER,
O. H. MERRY,
C. PHILIP SNYDER,
JOSEPH SHIELDS,
JAMES M. ATKINSON."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventeenth day of February, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this eighteenth day of March, eighteen hundred and sixty-nine.

J. M. PIPES,
Secretary of the State.

SEAL.

BERKELEY SAVINGS BANK.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Berkeley Savings Bank,' for the purpose of the safe keeping and invest-

ment of such money as may proceed from the industry and economy of the citizens of the town and county; to receive transient deposits, and conduct such other financial operations, by discounting notes, drafts, and bills of exchange, as may aid the prosperity of the community in which they reside; which corporation shall keep its principal office of business in Martinsburg, in the county of Berkeley, and state of West Virginia, and is to expire on the first day of January, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of seven thousand three hundred dollars to the capital thereof, and have paid in on said subscription, the sum of seven hundred and thirty dollars, and desire the privilege of increasing the said capital thereof by sales of additional shares, from time to time, to two hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by Charles Boarman, two shares; by D. Burkhardt, fifty shares; by John G. Wilson, five shares; by D. M. Shaffer, five shares; by Ferdinand Gerling, five shares; by Daniel Lafever, five shares; and by Darius Darley, one share; all being citizens of Martinsburg, in the county of Berkeley, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this tenth day of March, eighteen hundred and sixty-nine.

[Signed,]

CHARLES BOARMAN,
D. BURKHART,
JNO. G. WILSON,
DAVID M. SHAFFER,
FERDINAND GERLING,
DARIUS DARLEY,
DANIEL LAFEVER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at Wheeling, this twenty-third day of March, eighteen hundred and sixty-nine.

J. M. PIPES,
Secretary of the State.

SEAL.

NEW YORK AND WEST VIRGINIA WOOL GROWING, MINING AND MANUFACTURING COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the

proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'New York and West Virginia Woolgrowing, Mining and Manufacturing Company,' of New York city, state of New York, for the purpose of growing wool and raising stock generally; mining coal, iron ore and other minerals; manufacturing lumber, salt, iron, etc., on certain lands situated in Logan county, state of West Virginia; erecting factories, saw mills and other necessary buildings thereon; vending and transporting to market such stock, wool, lumber, salt, iron or other commodities, or products thereof; which corporation shall keep its principal office or place of business in the city of New York, state of New York, and is to expire on the first day of March, A. D., eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming the said corporation we have subscribed the sum of twenty-eight thousand dollars to the capital stock thereof, and have paid in on the said subscription the sum of twenty-eight thousand dollars, and desire the privilege of increasing the capital by the sale of additional shares from time to time to one million of dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: William G. W. Jaeger, of Baltimore, one hundred shares; Thomas J. Simpson, of Baltimore, one hundred shares; John C. McKenzie, of New York, twenty-five shares; George Place, of New York, twenty-five shares; William B. Carpenter, of New York, thirty shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fifth day of March, in the year of our Lord one thousand eight hundred and sixty-nine.

[Signed,]

WM. G. W. JAEGER,
THOS. J. SIMPSON,
JOHN C. MCKENZIE,
GEORGE PLACE,
WM. B. CARPENTER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purposes set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirtieth day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

BALTIMORE AND WEST VIRGINIA WOOL GROWING,
MINING, AND MANUFACTURING COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation by the name of the ‘Baltimore and West Virginia Wool Growing, Mining, and Manufacturing Company,’ of Baltimore, State of Maryland, for the purpose of growing wool, and raising stock generally, and mining coal, iron ore, and other minerals, manufacturing lumber, salt, iron, etc., on certain lands situated in Logan county, in the state of West Virginia; erecting factories, saw mills, and all other necessary buildings thereon; vending and transporting to market such stock, wool, lumber, salt, iron, or other commodities or products thereof; which corporation shall keep its principal office or place of business in the city of Baltimore, state of Maryland, and is to expire on the first day of March, A. D. eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming the said corporation, we have subscribed the sum of thirty-five thousand dollars to the capital thereof, and have paid in on the said subscription, the sum of twenty thousand dollars, and desire the privilege of increasing the capital by the sale of additional shares, from time to time, to one million of dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: William G. W. Jaeger, one hundred shares; Thomas J. Simpson, one hundred shares; John Coates, fifty shares; George C. Penniman, fifty shares; S. I. Stimpson, fifty shares; all of the said subscribers being residents of the city of Baltimore, state of Maryland. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fourth day of March, A. D. eighteen hundred and sixty-nine.

[Signed,]

WM. G. W. JAEGER,
T. I. SIMPSON,
JOHN COATES,
GEO. C. PENNIMAN,
S. I. STIMPSON.”

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirtieth day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

PHILADELPHIA AND WEST VIRGINIA WOOL GROWING,
MINING AND MANUFACTURING COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Philadelphia and West Virginia Wool-growing, Mining and Manufacturing Company,' of Philadelphia, state of Pennsylvania, for the purpose of growing wool and raising stock generally; mining coal, iron ore and other minerals; manufacturing lumber, salt, iron, etc., on certain lands situated in Logan county, in the state of West Virginia; erecting factories, saw-mills and all other necessary buildings thereon; vending and transporting to market such stock, wool, lumber, salt, iron or other commodities, or products thereof; which corporation shall keep its principal office or place of business in the city of Philadelphia, in the state of Pennsylvania, and is to expire on the first day of March, A. D., eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming said corporation we have subscribed the sum of twenty-five thousand dollars to the capital thereof, and have paid in on the said subscription the sum of five thousand dollars, and desire the privilege of increasing the capital by the sale of additional shares from time to time to one million of dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: William G. W. Jaeger, of Baltimore, one hundred shares; Thomas I. Simpson, of Baltimore, one hundred shares; Fredrick Gentner, of Philadelphia, thirty shares; G. Charles Michelbach, of Philadelphia, ten shares; Benjamin Kelly, of Philadelphia, ten shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this eighteenth day of March, eighteen hundred and sixty-nine.

[Signed,]

WM. G. W. JÄEGER,
THOS. I. SIMPSON,
FREDRICK GENTNER, 314 Brown st.,
G. CHAS. MICHELBAACH, 823 N. 5th st.
BENJ. KELLOGG, N. E. cor. 4th and Walnut.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my band and the great seal of the said state, at Wheeling, this thirtieth day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

MANHATTAN AND WEST VIRGINIA WOOL-GROWING, MINING AND MANUFACTURING COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation, by the name of "The Manhattan and West Virginia Wool-Growing, Mining and Manufacturing Company," of the city of New York, state of New York, for the purpose of growing wool and raising stock generally, mining coal, iron ore and other minerals, manufacturing lumber, salt, iron, etc., on certain lands situate in Logan county, in the state of West Virginia; erecting factories, saw-mills and all other necessary buildings thereon; vending and transporting to market such stock, wool, lumber, salt, iron or other commodities or products thereof; which corporation shall keep its principal office or place of business in the city of New York, state of New York, and is to expire on the first day of March, eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming the said corporation, we have subscribed the sum of thirteen thousand dollars to the capital thereof, and have paid in on the said subscription the sum of five thousand dollars, and desire the privilege of increasing the capital by the sale of additional shares, from time to time, to one million of dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: William G. W. Jaeger, of Baltimore, fifty shares; Thomas I. Simpson, of Baltimore, fifty shares; Frederick Brechhart, of New York, ten shares; Isaac Brechhart, of New York, ten shares; William Frazier, of New York, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-ninth day of March, eighteen hundred and sixty-nine.

[Signed,]

WILLIAM G. W. JAEGER,
T. I. SIMPSON,
FREDERICK BRECHHART,
ISAAC BRECHHART,
WM. FRAZIER,

By Thomas I. Simpson, attorney in fact.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirtieth day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

PEABODY INSURANCE COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

“The undersigned agree to become a corporation, by the name of ‘Peabody Insurance Company,’ for the purpose of insuring against all fire and marine risks, and discounting bonds, notes, and other securities; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and is to expire on the thirtieth day of March, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of fifteen thousand two hundred dollars to the capital thereof, and have paid in on said subscription, the sum of fifteen hundred and twenty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to the sum of five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: William J. Bates, of Wheeling, West Virginia, thirty shares; Andrew J. Pannell, of Wheeling, West Virginia, twenty shares; George W. Jeffers of Wheeling, West Virginia, two shares; Alonzo Loring, of Wheeling, West Virginia, fifty shares; Jacob S. Rhodes, of Wheeling, West Virginia, ten shares; James F. Barnes, of Wheeling, West Virginia, thirty shares; Nathaniel C. Arthur, of Wheel-

ing, West Virginia, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this thirtieth day of March, eighteen hundred and sixty-nine.

[Signed,]

W. J. BATES,
A. J. PANNELL,
G. W. JEFFERS,
ALONZO LORING,
J. S. RHODES,
JAMES F. BARNES,
N. C. ARTHUR."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the thirtieth day of March, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirty-first day of March, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

PHILADELPHIA CANNEL COAL COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Philadelphia Cannel Coal Company,' for the purpose of mining and shipping cannel, splint and bituminous coal, of cutting, preparing and shipping lumber and timber of all kinds; and of manufacturing and shipping salt, iron, coal, oil, and all other mineral or vegetable products that may be found, produced or grown on their lands, situate on or near Big Coal River in Boone county, in the state of West Virginia; which corporation shall keep its principal office or place of business at Philadelphia, in the county of Philadelphia, and state of Pennsylvania, and is to expire on the twenty-second day of March, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of seventeen hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and seventy-five dollars; and desire the privilege of increasing the said capital by sales of additional shares from time to time to five

hundred thousand dollars in all. The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned respectively, as follows, that is to say: George W. Day, Philadelphia, thirty shares; George P. Evans, Philadelphia, one hundred shares; Charles Richardson, Philadelphia, one hundred shares; Philip S. Justice, Philadelphia, one hundred shares; Malcolm M. Coppuck, Philadelphia, twenty shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-second day of March, A. D., eighteen hundred and sixty-nine.

[Signed,] GEORGE W. DAY, 325 Chestnut st., Philadelphia.
 GEO. P. EVANS, 37 Letitia st., "
 CHAS. RICHARDSON, 809 Chestnut st., "
 PHILIP S. JUSTICE, 14 W. 5th st., "
 MALCOLM M. COPPUCK, 245 Market st., "

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this first day of April, eighteen hundred and sixty-nine.

J. M. PIPES,
Secretary of the State.

SEAL.

THE JEFFERSON SAVINGS BANK.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Jefferson Savings Bank,' for the purpose of investment and safe keeping of such money as may proceed from the industry and economy of the citizens of the town and country; to receive transient deposits and conduct such other financial operations, by discounting notes, drafts and bills of exchange, as may aid the prosperity of the community; which corporation shall keep its principal office or place of business at Shepherdstown, in the county of Jefferson, and is to expire on the first day of April, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of seventeen hundred and fifty dollars to the capital thereof, and have paid in on

said subscription the sum of one hundred and seventy-five dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all. The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: by David Billmyer, of Shepherdstown, twenty-five shares; B. F. Harrison, Shepherdstown, twenty-five shares; J. P. A. Eutler, Shepherdstown, twenty-five shares; William Rightstine, Shepherdstown, five shares; James H. Shepherd, Shepherdstown, five shares; John D. Staley, Shepherdstown, twelve and a half shares; George M. Beltzhoover, Shepherdstown, five shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this thirteenth day of April, eighteen hundred and sixty-nine.

[Signed,]

DAVID BILLMYER,
B. F. HARRISON,
J. P. A. ENTLER,
WM. RIGHTSTINE,
JAS. H. SHEPHERD,
JOHN D. STALEY,
GEO. M. BELTZHOOVER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of April, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fifteenth day of February, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE CHARLESTON LUMBER AND MANUFACTURING COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We, the undersigned, Samuel Blish, of Brooklyn, New York; S. Snyer Woodruff, of Charleston, West Virginia; Samuel E. Stelle, of Charleston, West Virginia; George Merrill, of Newburyport, Massachusetts; and John L. Merrill, of Orange, New Jersey, hereby agree to become a corporation under the laws of West Virginia, by the name and

style of 'The Charleston Lumber and Manufacturing Company,' for the purpose of buying and selling all kinds of lumber and timber for building purposes, and for the purpose of manufacturing the same into such materials as are incidental thereto; and for the purpose of manufacturing lumber into its various commodities, and selling the same; and for the purpose of carrying on the business of merchandising therewith; and for the purpose of mining and shipping coal products of certain lands situated in Kanawha county, in the state of West Virginia; and for the purpose of purchasing and holding such real estate as may be lawful for the purposes of said corporation, and for the purpose of transacting any and all other business necessarily connected therewith, or calculated to facilitate the same. For the purpose of forming the said corporation, we have subscribed the sum of fifty thousand dollars to the capital stock thereof, and have paid on our said subscription the sum set opposite our respective names, that is to say: Samuel Blish has subscribed ten thousand dollars, and has paid four thousand dollars; S. Sayer Woodruff has subscribed ten thousand dollars, and has paid four thousand dollars; Samuel E. Stelle has subscribed ten thousand dollars, and has paid four thousand dollars; George Merrill has subscribed ten thousand dollars, and has paid one hundred dollars; John L. Merrill has subscribed ten thousand dollars, and has paid one hundred dollars. The undersigned desire the privilege of increasing said capital by sales of additional shares of stock, from time to time, to the amount of one hundred thousand dollars. The capital stock is divided into shares of one hundred dollars each, which is held by the undersigned in proportion to the amount subscribed, as above set forth. All stock hereafter issued shall be of the par value of one hundred dollars per share. The principal office of said corporation shall be located in the town of Charleston, Kanawha county, West Virginia, and said corporation is to expire on the first day of January, eighteen hundred and eighty-nine.

Given under our hands this twenty-seventh day of March, A. D. eighteen hundred and sixty-nine.

[Signed,]

SAMUEL BLISH,
S. SAYER WOODRUFF,
SAM'L E. STELLE,
GEORGE MERRILL,
JOHN L. MERRILL."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this first day of May, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

ST. JOSEPH'S CATHOLIC BENEFICIAL SOCIETY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'St. Joseph's Catholic Beneficial Society,' for the purpose of raising money to be loaned and distributed for charitable purposes among its members; which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, in the state of West Virginia, and is to expire on the nineteenth day of March, A. D., eighteen hundred and eighty-nine. And for the purpose of forming said corporation we have subscribed the sum of fifty dollars to the capital thereof, and have paid in on the said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five thousand dollars in all. The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned, as follows, that is to say: by James A. Martin, three shares; Charles Thumel, two shares; Philip Schaarmann, one share; August Thumel, one share; Timothy Reardon, one share; Francis McLaughlin, one share; and Patrick Kennedy, one share. And the capital to be hereafter sold is to be divided into shares of like amount

Given under our hands this nineteenth day of March, eighteen hundred and sixty-nine.

[Signed,]

JAMES A. MARTIN,
CHARLES THUMEL,
PHILIP SCHAARMANN,
AUGUST THUMEL,
TIMOTHY REARDON,
FRANCIS MCLAUGHLIN,
PATRICK KENNEDY.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, until the nineteenth day of March, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.]

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of May, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

THE WORKINGMEN'S MUTUAL BUILDING AND LOAN ASSOCIATION.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'The Workingmen's Mutual Building and Loan Association,' for the purpose of raising money to be loaned among its members for buying, building or repairing houses, and other legitimate business; which corporation shall keep its principal office or place of business in the town of Grafton, Taylor county, West Virginia, and is to expire on the thirty-first day of May, in the year eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand two hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and twenty-five dollars, and desire the privilege of increasing the said capital by sale of additional shares, from time to time, to two hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of two hundred and fifty dollars each, which are held by the undersigned respectively as follows: John Jordan, one share; Presley T. Flythe, one share; Francis M. Snider, one share; James H. Stout, one share; William T. Brown, one share; all of Grafton, West Virginia. And the capital hereafter to be sold to be divided into shares of the like amount.

Given under our hands and seals this thirty-first day of May, eighteen hundred and sixty-nine.

[Signed,]

JOHN JORDAN,
PRESLEY T. FLYTHE,
FRANCIS M. SNIDER,
JAMES H. STOUT,
WILLIAM T. BROWN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the

thirty-first day of May, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this third day of June, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

THE PRESTON COUNTY BUILDING AND LOAN ASSOCIATION.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Preston County Building and Loan Association,' for the purpose of accumulating money to be loaned among its members, for the purchase of land or houses, or for building or repairing the same, or any other legitimate purpose; which corporation shall keep its principal office or place of business at Newburg, in the county of Preston, state of West Virginia, and is to expire on the fifteenth day of January, eighteen hundred and eighty-one. And for the purpose of forming the said corporation, we have subscribed the sum of seven hundred and fifty dollars to the capital thereof, and have paid in on said subscriptions the sum of seventy-five dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to ninety thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars each, which are held by the undersigned respectively as follows: Solomon L. Allen, one share; Alfred Boogher, one share; J. M. Allen, one share; Dr. W. F. Vankirk, one share; John A. Lovenstine, one share; Rev. W. R. Sibbet, one share; and John W. Deck, one share; all residents of Newburg, Preston county, aforesaid. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this third day of June, eighteen hundred and sixty-nine.

[Signed,]

S. L. ALLEN,	[Seal.]
ALFRED BOOGHER,	[Seal.]
J. M. ALLEN,	[Seal.]
W. F. VANKIRK,	[Seal.]
J. A. LOVENSTINE,	[Seal.]
WM. R. SIBBET,	[Seal.]
J. W. DECK.	[Seal.] "

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the fifteenth day of January, eighteen hundred and eighty-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this tenth day of June, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

WHEELING IRON AND NAIL COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'Wheeling Iron and Nail Company,' for the purpose of manufacturing pig-iron, bar and sheet-iron, nails and spikes, and such other branches of the iron business as may be deemed advantageous; which corporation shall keep its principal office or place of business at the Wheeling Iron Works, in the county of Ohio, and is to expire on the twenty-first day of June, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of sixty thousand dollars to the capital stock thereof, and have paid in on said subscriptions the sum of six thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to six hundred thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by John P. Gilchrist, of Ohio county, forty shares; Adams Dodson, of Wheeling, Ohio county, twenty shares; Truman M. Dodson, of Wheeling, Ohio county, twenty shares; Joseph Bell, of Wheeling, Ohio county, thirty shares; John L. Hobbs, of South Wheeling, ten shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-first day of June, eighteen hundred and sixty-nine.

[Signed,]

JOHN P. GILCHRIST,
ADAMS DODSON,
T. M. DODSON,
JOSEPH BELL,
JOHN L. HOBBS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-first day of June, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-third day of June, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES.
Secretary of the State.

FAIRMONT CENTRAL GASLIGHT COAL COMPANY OF
WEST VIRGINIA.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Fairmont Central Gaslight Coal Company of West Virginia,' for the purpose of mining, manufacturing, transporting, shipping and selling gaslight coal, and other valuable substances found or manufactured on their lands in the county of Marion, and said state of West Virginia; which corporation shall keep its principal office at Fairmont, in the said county of Marion, and is to expire on the eleventh day of March, in the year eighteen hundred and eighty-nine. And for the purpose of forming said corporation, we have subscribed the sum of fifty thousand dollars to the capital thereof, and have paid in the whole amount of said subscription, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: John H. Ruckman, of Barlow county in the state of Georgia, four hundred and twenty-five shares; Edward A. Bennett, of the county of Marion and state of West Virginia, five shares; Alexander R. Boteler, of the county of Jefferson and state of West Virginia, five shares; Abraham B. Patterson and George C. Irwin, of the city of Baltimore and state of Maryland, each five shares; and John Wells Hanson, of the city of Baltimore and state of Maryland, fifty-five shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands and seals this eleventh day of March, eighteen hundred and sixty-nine.

[Signed,]

JOHN H. RUCKMAN,
E. A. BENNETT,
ALEX. R. BOTELER,
ABRAHAM B. PATTERSON,
GEO. C. IRWIN,
J. W. HANSON."

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the eleventh day of March, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirteenth day of July, eighteen hundred and sixty-nine.

J. M. PIPES,
Secretary of the State.

SEAL.

WEST VIRGINIA LAND AGENCY AND TITLE GUARAN- TEERING COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of the 'West Virginia Land Agency and Title Guaranteeing Company,' for the following purposes, to-wit: 1. For advertising and selling lands as agents for owners, and charging a commission therefor. 2. For buying lands as agents of purchasers, and charging a commission therefor. 3. For guaranteeing the title to lands, and charging a commission for every such guaranty. Which corporation shall have its principal office in Charleston, Kanawha county, West Virginia, and is to expire on the eighth day of June, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital stock thereof, and have paid in on our said subscriptions the sum of one hundred dollars, and desire the privilege of increasing the said capital stock by sales of additional shares, from time to time, to five hundred thousand dollars in all: The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by James H. Rogers, Charleston, West Virginia, one share; T. B. Swann, Charleston, West Virginia, one share; S. A. Miller, Charleston, West Virginia,

one share; C. Hedrick, Charleston, West Virginia, one share; John Dryden, Charleston, West Virginia, one share; Wm. A. Quarrier, Charleston, West Virginia, one share; J. H. Brown, Charleston, West Virginia, one share; Thomas L. Broun, New York city, one share; H. C. McWhorter, Charleston, West Virginia, one share; Slack & Laidley, Charleston, West Virginia, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighth day of July, eighteen hundred and sixty-nine.

[Signed,]

JAS. H. ROGERS,	J. H. BROWN,
T. B. SWANN,	THOS. L. BROUN,
S. A. MILLER,	H. C. MCWHORTER,
C. HEDRICK,	SLACK & LAIDLEY,
WM. A. QUARRIER,	JOHN DRYDEN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the eighth day of June, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this nineteenth day of June, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE PIONEER PACKET COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Pioneer Packet Company,' for the purpose of navigating and running one or more steamboats, (of which the steamer Kanawha Belle is one,) to carry freight and passengers from any and all points on the Kanawha river, in the state of West Virginia, to the town of Gallipolis, or any other point on the Ohio river, and to tow boats and barges between the same points; which corporation shall keep its principal office or place of business in Charleston, Kanawha county, in said state of West Virginia, and is to expire on the first day of June, eighteen hundred and eighty-nine. And for the purpose of forming said corporation we have subscribed the sum of ten thousand dollars to the capital stock thereof, and have paid in on said subscription the whole of said sum of ten thousand

dollars, and desire the privilege of increasing said capital by the sale of additional shares to the sum of one hundred thousand dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: Samuel Christy, residing in Kanawha Salines, West Virginia, forty-nine shares; William H. Truslow, residing in same place, one share; William T. Thayer, residing in Charleston, Kanawha county, West Virginia, twenty-five shares; Thomas G. Botsford, residing in Poland, Mahoning county, state of Ohio, twelve shares; and James L. Botsford, residing in Louisville, State of Kentucky, thirteen shares. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-first day of June, eighteen hundred and sixty-nine.

[Signed,]

SAMUEL CHRISTY,
W. H. TRUSLOW,
W. T. THAYER,
J. L. BOTSFORD,
THOS. G. BOTSFORD."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of June, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twelfth day of August, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE FAIRVIEW WOOLEN MANUFACTURING AND MINING COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Fairview Woolen Manufacturing and Mining Company,' for the purpose of the general manufacture of woolen yarns and woolen goods, such as cloths, cassimeres, satinets, jeans, flannels, blankets, etc., and mining minerals of any and every description found upon their premises; which corporation shall keep its principal office or place of business at their wooleu mill, near Fairview, in the county of Hancock, state of

West Virginia, and is to expire on the first day of August, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of twenty thousand dollars to the capital thereof, and have paid in on said subscriptions, the sum of ten thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all. The capital so subscribed is divided into shares of twenty-five hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by John Sectin Walker, of Hancock county, state of West Virginia, two shares; by John E. Stevenson, of the county of Hancock, state of West Virginia, two shares; by Vitallius Mathews, of the city of Pittsburg, state of Pennsylvania, two shares; by James Stevenson, of the county of Hancock, state of West Virginia, one share; and by Thomas W. Stevenson, of the county of Hancock, state of West Virginia, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this second day of August, eighteen hundred and sixty-nine.

[Signed,]

J. S. WALKER,
JOHN E. STEVENSON,
VITALLIUS MATHEWS,
JAMES STEVENSON,
THOMAS W. STEVENSON."

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of August, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of August, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

STATE HOUSE COMPANY.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'State House Company,' for the purpose of carrying on and doing the business of a building association generally in the town of Charleston,

West Virginia; and among other things of erecting a building for the temporary use of the legislature of West Virginia, and for the purpose also of constructing and establishing a hotel in said town of Charleston, and for the transaction of all such other business as properly appertains to corporations created for building associations and establishing hotels; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire on the first day of June, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of sixteen thousand five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of sixteen hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to two hundred and fifty thousand dollars in all. The capital so subscribed is divided into shares of five hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by George Jeffries, of Charleston, two shares; L. L. Comstock, of Charleston, two shares; John Claypool, of Charleston, one share; Wm. A. Quarrier, of Charleston, one share; Job E. Thayer, of Kanawha county, one share; John Slack, Sr., of Charleston, two shares; Hedgeman Slack, of Charleston, one share; Thomas B. Swann, of Charleston, two shares; Greenbury Slack, of Charleston, two shares; Henry C. McWhorter, of Charleston, one share; Nicholas Fitzhugh, of Charleston, one share; Samuel A. Miller, of Charleston, one share; Edward B. Knight, of Charleston, one share; Henry Chappel, of Charleston, one share; Benjamin H. Smith of Charleston, two shares; James H. Brown, of Charleston, one share; John Dryden, of Charleston, one share; Albert M. Doyle, of Charleston, one share; John P. Hale, of Charleston, one share; Henry C. McWhorter, agent for Charleston Extension Company, one share; David Egan, of Charleston, one share; Moses Frankenberg, of Charleston, one share; Dulce R. Laidley, of Charleston, one share; Hill and Laidley, of Charleston, one share; Gilliland and Anderson, of Charleston, one share; Wm. T. Thayer and Samuel Christy, of Charleston, one share; W. H. Edwards, of Coalburg, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this first day of June, eighteen hundred and sixty-nine.

[Signed,]

JOHN SLACK, SR.,	GEORGE JEFFRIES,
JOHN DRYDEN,	H. C. McWHORTER,
H. SLACK,	MOSES FRANKENBERGER,
EDWARD B. KNIGHT,	WM. A. QUARRIER,
DAVID EAGAN,	GILLILAND & ANDERSON,
JAMES M. LAIDLEY,	T. B. SWANN,
M. HILL, agent.	BENJ. H. SMITH,
J. E. THAYER,	J. P. HALE,
H. CHAPPEL,	L. L. COMSTOCK,
S. A. MILLER,	SAMUEL CHRISTY,
N. FITZHUGH,	WM. H. EDWARDS,
A. M. DOYLE,	W. T. THAYER,
H. C. McWHORTER,	J. H. BROWN,
Agent for Charleston Extension Comp'y.	JOHN CLAYPOOL."
D. K. LAIDLEY,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of June, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fifth day of August, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE BERKELEY SPRINGS HOTEL COMPANY:

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Berkeley Springs Hotel Company,' for the purpose of conducting and carrying on one or more hotels at or near to the town of Bath, Morgan county, State of West Virginia, by purchasing and erecting the same, in part or in whole, or repairing or altering a hotel or hotels, now in operation in or near to Bath, and by renting, leasing, or otherwise, as may be best; which corporation shall keep its principal office or place of business at Bath, in Morgan county, and is to expire on the first day of August, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of fifty thousand dollars to the capital thereof; and have paid in on said subscription

the sum of five thousand dollars, being one-tenth thereof, and desire the privilege of increasing the said capital by sales of additional shares to the amount of one hundred thousand dollars in all. The capital subscribed, and to be subscribed, to be divided into shares of twenty-five dollars each, and the shares already subscribed are held by the undersigned, viz: George M. Gill, of the city of Baltimore, two hundred shares; Benjamin Deford, of the city of Baltimore, two hundred shares; William Kennedy, of the city of Baltimore, two hundred shares; Thomas P. Williams, of the city of Baltimore, two hundred shares; W. W. Spence, of the city of Baltimore, two hundred shares; Philip T. George, of the city of Baltimore, two hundred shares; Peyton Harrison, of the city of Baltimore, two hundred shares; Randolph and Strother, of Morgan county, West Virginia, two hundred shares; W. P. Dole, of Washington, D. C., two hundred shares; B. Deford and Company, Baltimore, Maryland, two hundred shares.

Given under our hands this twelfth day of August, eighteen hundred and sixty-nine.

[Signed,]

GEORGE M. GILL,	B. DEFORD,
RANDOLPH & STROTHER,	WM. KENNEDY,
THOMAS P. WILLIAMS,	PHILIP T. GEORGE,
WILLIAM P. DOLE,	W. W. SPENCE,
PEYTON HARRISON,	B. DEFORD & Co.

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of August, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirty-first day of August, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE PARKERSBURG PUBLISHING ASSOCIATION.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Parkersburg Publishing Association,' for the purpose of editing and publishing newspapers and doing all kinds of job printing; which corporation shall keep its principal office or place of business at Parkersburg, in

the county of Wood and state of West Virginia, and is to expire on the twenty-second day of September, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to ten thousand dollars in all. The capital so subscribed is divided into shares of twenty-five dollars, which are held by the undersigned, respectively, as follows: by Cyrus Anderson, of Parkersburg, one share; George W. Taggart, of Parkersburg, two shares; George K. Leonard, of Parkersburg, one share; William H. Mattingly, of Parkersburg, two shares; Charles H. Shattuck, of Parkersburg, two shares; Owen G. Scofield, of Parkersburg, thirty-one shares; William Burk, of Parkersburg, one share. And the capital to be hereafter sold is to be divided into shares of a like amount.

Given under our hands, this twenty-second day of September, eighteen hundred and sixty-nine.

[Signed,]

G. W. TAGGART,
C. ANDERSON,
WM. H. MATTINGLY,
WM. BURK,
G. K. LEONARD,
C. H. SHATTUCK,
O. G. SCOFIELD."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-second day of September, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fourth day of October, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

LAUREL FORK OIL AND COAL COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'Laurel Fork Coal and Oil Company,' of West Virginia, for the purpose

of mining for oil and coal, preparing the same for market, transporting the same to suitable market, and selling and disposing of the said oil and coal. Which corporation shall keep its principal office at Volcano, in Wood county, in the state of West Virginia, and is to expire on the first day of May, eighteen hundred and eighty-nine. And for the purpose of forming said corporation, we have subscribed the sum of twenty-five thousand dollars to the capital stock thereof, and have paid into the treasury the sum of twenty-five hundred dollars, and desire the privilege of increasing the capital stock by sales of additional shares, from time to time, to five hundred thousand dollars, including the stock already subscribed. The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows: by William C. Stiles, Junior, of West Virginia, one hundred and forty-seven shares; by R. H. Gratz, of Philadelphia, Pennsylvania, three hundred and three shares; by Thomas A. Scott, of Philadelphia, Pennsylvania, ninety shares; by J. Edgar Thomson, of Philadelphia, Pennsylvania, fifty shares; by Lewis Cooper, of Philadelphia, Pennsylvania, fifty shares; by W. J. Horstman, of Philadelphia, Pennsylvania, twenty-five shares; by S. H. Horstman, of Philadelphia, Pennsylvania, twenty-five shares; by W. W. Harkness, of West Virginia, one hundred shares; by Henry Bowyer, of Philadelphia, Pennsylvania, seventy-five shares; by W. R. Sterling, of West Virginia, fifty shares; by N. W. Harkness, of Philadelphia, Pennsylvania, twenty-five shares; by J. B. Cowperthwait, of Philadelphia, Pennsylvania, twenty-five shares; by Robert F. Taylor, of Philadelphia, Pennsylvania, twenty-five shares; by John Wyeth, of Philadelphia, Pennsylvania, ten shares; in all one thousand shares.

Witness our hands and seals, this first day of May, eighteen hundred and sixty-nine.

[Signed,]

WM. C. STILES, JR.,
R. H. GRATZ,
THOMAS A. SCOTT,
J. EDGAR THOMSON,
LEWIS COOPER,
W. J. HORSTMAN,
S. H. HORSTMAN,

WM. W. HARKNESS,
HENRY BOWYER,
W. R. STERLING,
N. W. HARKNESS,
J. B. COWPERTHWAIT,
ROB'T F. TAYLOR,
JOHN WYETH,

Witnesses Present,

W. W. DAUGHERTY,
JAMES J. KEATING.

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of May, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this sixth day of October, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

EUROPEAN EXCHANGE OFFICE OF B. KAMMER.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'European Exchange Office of B. Kammer,' for the purpose of selling foreign exchange, and transacting any business necessary therewith and combined therewith; which corporation shall have its principal office or place of business at Wheeling, county of Ohio, and is to expire on the the seventh day of October, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on the said subscriptions the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty-five thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows, that is to say: by Benno Kammer, ninety-six shares; R. G. Barr, one share; Daniel Kreiter, one share; H. Renner, one share, and Phillip Schuhle, one share, all of the city of Wheeling. And the capital to be hereafter sold is to be divided into like shares of the like amount.

Given under our hands, this seventh day of October, eighteen hundred and sixty-nine.

[Signed,]

B. KAMMER,
R. G. BARR,
DANIEL KREITER,
HERMAN RENNER,
PHILLIP SCHUHLE."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the seventh day of October, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-second day of October, eighteen hundred and sixty-nine.



JAMES M. PIPES,
Secretary of the State.

THE CHEAT RIVER LUMBERING AND MANUFACTURING COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Cheat River Lumbering and Manufacturing Company,' for the purpose of erecting, constructing, and operating a saw-mill and general manufactory in wood, to be placed on the bank of Cheat river, and driven by water power, the Salt Lick creek, in Portland township, near the town of Rowlesburg, in Preston county, to be used for the purpose; which corporation shall keep its principal office or place of business at or near the aforesaid town of Rowlesburg, and is to expire on the tenth day of October, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of eight hundred and fifty dollars to the capital thereof; and have paid in on said subscriptions the sum of two hundred and fifteen dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned, respectively, as follows, that is to say: By Albert Lee, one hundred shares; by Adam H. Bowman, two hundred and fifty shares; by William W. Shoch, one hundred shares; by Moses Casseday, fifty shares; by James A. Gregg, fifty shares; by Lewis May, fifty shares; by Alexander R. Stewart, one hundred shares; by Winfield W. Gribble, fifty shares; by Jesse J. Fries, one hundred shares; all of the above named residing in or near the town of Rowlesburg; and the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands and seals this twenty-fifth day of October, eighteen hundred and sixty-nine.

[Signed,]

A. H. BOWMAN,
ALBERT LEE,
LEWIS MAY,
JAMES A. GREGG,
WILLIAM W. SHOCH,

MOSES CASSEDAY,
A. R. STEWART,
WINFIELD W. GRIBBLE,
J. J. FRIES."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of October, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-seventh day of October, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

MERCANTILE FIRE INSURANCE COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

“The undersigned agree to become a corporation, by the name of the ‘Mercantile Fire Insurance Company,’ for the purpose of insuring against all marine risks, and against any damage or loss by fire, or by any other liability, casualty or hazard, upon any and every kind of property, real, personal or mixed; to guarantee the payment of promissory notes, bills of exchange, and other evidences of debt; to cause themselves to be insured against all risks upon the interests they may have in any property in their own right, or by virtue of any loan or loans or advances, or of any policy or contract of insurance; to insure the lives of persons, and cause themselves to be re-insured upon any and all such lives they may insure; to grant annuities; to invest its capital stock or other funds in bank or other stocks, in the purchase of bonds issued by this state, or by any county of this state, or any issued by the United States, or those issued by any incorporated company; to lend money upon personal or real security; to discount notes and bills of exchange, and to receive the interest thereon in advance, at the rate of one-half of one per centum for every thirty days, and to pay interest on money deposited with them and give certificate therefor; which corporation shall keep its principal office or place of business at Grafton, in the county of Taylor and state of West Virginia, and is to expire on the sixteenth day of October, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hun-

dred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by George F. Logan, twenty shares; Silas Day, twenty shares; John Moore, twenty shares; Albert Roberts, twenty shares; George J. Davis, twenty shares; all of Taylor county, West Virginia. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of October, eighteen hundred and sixty-nine.

[Signed,]

GEORGE F. LOGAN,
SILAS DAY,
JOHN MOORE,
ALBERT ROBERTS,
GEORGE J. DAVIS."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the sixteenth day of October, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this second day of November, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES.
Secretary of the State.

NEW YORK SOUTHERN LAND COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'New York Southern Land Company,' for the purpose of selling lands as agents of owners; and buying lands as agents of purchasers; which corporation shall keep its principal office or place of business in the city of New York, with branch offices in Charleston, Kanawha county, West Virginia, and in Richmond, Virginia, and elsewhere, as the company may hereafter elect, and is to expire on the twenty-sixth day of October, in the year eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of three thousand dollars to the capital stock thereof, and have paid in on said subscriptions the sum of three hundred dollars, and desire the privilege of

creasing the said capital stock by sales of additional shares from time to time to one hundred thousand dollars in all. The capital stock so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: Thomas L. Broun, New York, five shares; Robert A. Lancaster, New York, five shares; Catesby ap R. Jones, New York, five shares; Oliver H. Palmer, five shares; Thomas L. Snead, New York, five shares; John F. Tanner, New York, five shares. And the capital stock to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this twenty-sixth day of October, eighteen hundred and sixty-nine.

[Signed,]

THOS. L. BROUN, .
ROBT. A. LANCASTER,
CATESBY AP R. JONES,
OLIVER H. PALMER,
THOS. L. SNEAD,
JOHN F. TANNER."

Wherefore, the incorporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-sixth day of October, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eighth day of November, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE MARION COUNTY AGRICULTURAL, MECHANICAL AND MINERAL ASSOCIATION.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Marion County Agricultural, Mechanical and Mineral Association,' for the purpose of promoting the agricultural, mechanical and mineral interests of Marion and the adjoining counties, and encouraging the growth and improvement of the stock therein, and for the purpose of acquiring real estate for fair grounds, buildings, etc.; which corporation shall keep its principal office at Fairmont, in the county of Marion, and is to expire on the first day of January, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed

the sum of eleven hundred and fifty dollars to the capital thereof, and have paid in on said subscriptions, the sum of one hundred and fifteen dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to twenty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows, that is to say: Silvanus H. Springer, Marion county, fifty shares; Robert M. Hill, Marion county, ten shares; James M. Griffith, Marion county, two shares; William Ridgley, Marion county, twenty-five shares; Gustavus L. Turney, Marion county, ten shares; Robert B. Lott, Marion county, five shares; Peter Camp, Marion county, five shares; James M. Lazzell, Marion county, eight shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighth day of November, eighteen hundred and sixty-nine.

[Signed,]

R. M. HILL,
S. H. SPRINGER,
JAMES M. GRIFFITH,
WILLIAM RIDGELY,
PETER CAMP,
J. M. LAZZELL,
G. L. TURNEY,
R. B. LOTT."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this eleventh day of November, eighteen hundred and sixty-nine.

JAMES M. PIPES,
Secretary of the State.

SEAL.

CHANGE OF NAME OF THE VALLEY FIRE INSURANCE COMPANY OF WEST VIRGINIA.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that a resolution of the Valley Fire Insurance Company of West Virginia, passed by a majority of its stockholders, and properly signed by the president and secretary of said company, and under the common seal of said company, has this day been delivered to me; which resolution is in the words and figures following:

"At a meeting of the stockholders of 'The Valley Fire Insurance Company of West Virginia,' held at Kearneysville, on Friday, October

eight, eighteen hundred and sixty-nine, among the proceedings of said meeting is the following:

Resolved by the stockholders of said insurance company, in general meeting, That the principal office of said company be, and the same is hereby removed from Kearneysville to the town of Charlestown, in Jefferson county, and that the secretary of state of West Virginia be requested to issue a new certificate of incorporation, in accordance with this resolution, in all other respects similar to the original.

[Signed,]

R. W. BAYLOR, *President.*

G. A. PORTERFIELD, *Secretary.*

[L. s.]

Now, therefore, in accordance with the law in such cases made and provided, I do declare that in accordance with the resolution hereinbefore recited, that wherever the word Kearneysville occurs in the original certificate of incorporation of "The Valley Fire Insurance Company of West Virginia," it shall read hereafter instead thereof, Charlestown; and that hereafter, until the dissolution of said company by law, the principal office or place of business shall be in the town of Charlestown, Jefferson county, West Virginia.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the said state, at the city of Wheeling, this twelfth day of November, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

THE ODD FELLOWS BUILDING ASSOCIATION.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of 'The Odd Fellows Building Association,' for the purpose of building an Odd Fellows' hall in the town of Clarksburg, and county of Harrison, and for the purpose of supporting the stockholders in saving capital for general building purposes, or other legitimate business; which corporation shall keep its principal office or place of business in Clarksburg, in the county of Harrison, and is to expire November the tenth, eighteen hundred and eighty-nine, unless sooner dissolved. And for the purpose of forming said corporation, we have subscribed the sum of one hundred dollars to the capital thereof, and have paid in on said subscription the

sum of ten dollars; and desire the privilege of increasing said capital, by the sale of additional shares from time to time, to fifty thousand dollars. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows:

Thomas S. Spates, two shares; William R. Alexander, two shares; Enoch Tinsman, two shares; Hezekiah W. Hoskinson, two shares; Alexander Duff, two shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this ninth day of November, in the year eighteen hundred and sixty-nine.

[Signed,]

T. S. SPATES,
WM. R. ALEXANDER,
E. TINSMAN,
HEZEKIAH W. HOSKINSON,
ALEXANDER DUFF.

Wherefore, the corporators named in said agreement, and who have signed the same, are hereby declared to be, from this date until the tenth day of November, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this fifteenth day of November, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

WEST VIRGINIA MINING AND MANUFACTURING COMPANY OF WASHINGTON, DISTRICT OF COLUMBIA.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'West Virginia Mining and Manufacturing Company of Washington, of the District of Columbia,' for the purpose of growing wool, mining coal, iron, lead, copper and other minerals; manufacturing lumber, salt, iron and other minerals, on certain lands situated in Boone county, in the state of West Virginia; also erecting saw mills, charcoal blast furnaces, and other necessary buildings thereon, and vending and transporting to market such lumber, salt, iron or other commodities and products thereof; which corporation shall keep its principal office or place of business in the city of Washington, in the District of Columbia, and is to expire on

the first day of December, Anno Domini eighteen hundred and eighty-nine, if not sooner dissolved. And for the purpose of forming the said corporation we have subscribed the sum of eighty-five thousand dollars to the capital thereof, and have paid in on said subscription the sum of ten per cent on the same, and desire the privilege of increasing the capital by sales of additional shares from time to time to one million of dollars. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by J. E. Michener, two hundred and twenty shares; C. C. Cox, one hundred and seventy-eight shares; T. I. Simpson, one hundred and seventy-eight shares; J. T. Robeson, one hundred and thirty-three shares; J. H. Wm. Kettler, eighty-eight shares; Theodore Vandoren, fifty-three shares; all of the said subscribers being residents of the city of Washington, District of Columbia. And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of November, Anno Domini eighteen hundred and sixty-nine.

[Signed,]

J. H. WM. KETTLER,
J. E. MICHENER,
THEODORE VANDOREN,
T. I. SIMPSON,
JOHN T. ROBESON,
CHRIS. C. COX."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date, until the first day of December, eighteen hundred and eighty-nine, a corporation, by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this nineteenth day of November, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

THE GALES FORK OIL COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'The Gales Fork Oil Company,' for the purpose of boring for, mining and producing petroleum, obtaining and marketing the same; which corpor-

ation shall keep its principal office or place of business at the city of Marietta, in the county of Washington, in the state of Ohio, and is to expire on the first day of January, A. D. eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of ten thousand dollars in leasehold property, engines and fixtures, and desire the privilege of increasing the capital by the sale of additional shares, from time to time, to sixteen thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: Sidney F. Shaw, of Parkersburg, Wood county, West Virginia, eleven shares; Bennet Cook, of Parkersburg, Wood county, West Virginia, eleven shares; William Smith, of Harmar, Washington county, Ohio, eleven shares; George C. Hawkins, of Harmar, Washington county, Ohio, eleven shares; Silas Slocumb, of Marietta, Washington county, Ohio, eleven shares; Josiah D. Colton, of Marietta, Washington county, Ohio, eleven shares; Henry Osterle, of Marietta, Washington county, Ohio, eleven shares; Daniel G. Mathews, of Marietta, Washington county, Ohio, eleven shares; Rodney K. Shaw, of Marietta, Washington county, Ohio, twelve shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of September, eighteen hundred and sixty-nine.

[Signed,]

H. OSTERLE,	BENNET COOK,
GEO. C. HAWKINS,	R. K. SHAW,
S. F. SHAW,	J. D. COLTON,
D. G. MATHEWS,	W. SMITH."
S. SLOCOMB,	

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-third day of November, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

CLARKSBURG MUTUAL INSURANCE COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the

proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

“ The undersigned agree to become a corporation by the name of ‘ The Clarksburg Mutual Insurance Company,’ for the purpose of insuring against all marine risks, and against any loss or damage by fire, upon any and every kind of property, real, personal, or mixed ; to grant annuities ; to purchase reversionary payments ; to guarantee the payment of promissory notes, bills of exchange, and other evidences of debt ; to lend money on bottomry and respondentia ; to cause themselves to be insured against all risks they may have in any property in their own right, or in virtue of any bonds or advances, or of any policy or contract of insurance ; to invest its capital stock or other funds of the company in stocks, or in the purchase of bonds issued by this state or the United States, or any one of the United States, or the bonds of any incorporated company, or in notes, bonds, or bills, drawn and accepted by private individuals, with personal or real security ; to lend money upon personal or real security ; to discount notes or bills of exchange, and receive the interest in advance ; to pay interest on money deposited with them, and give certificates therefor ; and all other things deemed necessary to carry on a general insurance business upon the mutual plan. Which corporation shall keep its principal office or place of business at Clarksburg, in the county of Harrison, and state of West Virginia, and is to expire on the twenty-fourth day of November, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation, we have subscribed the sum of twenty-five thousand dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five hundred dollars ; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively as follows, that is to say : Jasper Y. Moore, ten shares ; R. E. Finnell, ten shares ; R. N. Pool, ten shares ; George Bastable, ten shares ; F. A. Robinson, ten shares ; E. L. Stealey, ten shares ; Nathan Goff, ten shares ; Lee Haymond, ten shares ; John J. Davis, ten shares ; Luther Haymond, ten shares ; F. A. Osborn, ten shares ; Lloyd Lowndes, ten shares ; John Irwin, ten shares ; David Davidson, ten shares ; R. T. Lowndes, ten shares ; A. Werninger, ten shares ; J. L. Carr, ten shares ; D. Boughner, ten shares ; Wm. R. Alexander, ten shares ; Samuel R. Steel, ten shares ; Walter Ebert, ten shares ; A. Smith, Junior, ten shares ; B. Despard, ten shares ; T. S. Spates, ten shares ; P. H. Goodwin, ten shares ; all of Clarksburg, in the county of Harrison, in the state of West Virginia. And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-second day of November, eighteen hundred and sixty-nine.

[Signed,]

A. WERNINGER,
J. L. CARR,
D. BOUGHNER,
W. R. ALEXANDER,
SAM'L R. STEEL,
WALTER EBERT,
A. SMITH, JR.,
B. DESPAR, D
T. S. SPATES,
P. H. GOODWIN,
JNO. J. DAVIS,
JASPER Y. MOORE,
R. E. FINNELL,

R. N. POOL,
GEO. BASTABLE,
F. A. ROBINSON,
E. L. STEALEY,
NATHAN GOFF,
LEE HAYMOND,
LUTHER HAYMOND,
J. F. OSBORN,
LLOYD LOWNDES,
JOHN IRWIN,
DAVID DAVIDSON,
R. T. LOWNDES."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twenty-fourth day of November, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of November, eighteen hundred and sixty-nine.

SEAL.

J. M. PIPES,
Secretary of the State.

STEPHENSON FEMALE INSTITUTE.

I, J. M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'Stephenson Female Institute,' for the purpose of establishing, managing and conducting a female seminary, to be located in or near the town of Charlestown, in Jefferson county, state of West Virginia; which corporation shall keep its principal place of business in the town of Charlestown, county and state aforesaid, and is to be perpetual. And for the purpose of forming the said corporation, we have subscribed the sum of two hundred and fifty dollars to the capital thereof, and have paid in on the said subscription, the sum of twenty-five dollars, and desire the privilege of increasing the said capital, by sale of additional shares from time to time, to fifty thousand dollars in all. The capital so subscribed is

divided into shares of fifty dollars each, which are held by the undersigned respectively, as follows, that is to say: Andrew Hunter, of Jefferson county, West Virginia, one share; George W. Eichelberger, of Jefferson county, West Virginia, one share; George H. Tate, of Jefferson county, West Virginia, one share; William H. Travers, of Jefferson county, West Virginia, one share, and Colin C. Porter, of Jefferson county, West Virginia, one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this ninth day of November, eighteen hundred and sixty-nine.

[Signed,]

ANDREW HUNTER,
GEORGE W. EICHELBERGER,
GEORGE H. TATE,
WILLIAM H. TRAVERS,
COLIN C. PORTER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be from this date a perpetual corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this thirteenth day of December, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

PARTRIDGE JOINT STOCK COMPANY.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"We the undersigned agree to become a corporation by the name of 'Partridge Joint Stock Company,' for the purpose of establishing an art gallery in the city of Wheeling, state of West Virginia, to carry on the business of photographing, of painting and coloring and other kindred arts; and to sell such tools and articles as are used in such calling; the principal office of such company shall be kept in the said city of Wheeling, in the county of Ohio, state of West Virginia, and is to expire on the twentieth day of December, eighteen hundred and eighty-nine. And for the purpose of forming the said corporation we have subscribed the sum of twenty thousand dollars to the capital thereof, and have paid in on said subscription the sum of two thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from

time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by A. C. Partridge, one hundred and sixty-six shares; Mary E. Plummer, ten shares; George W. Robinson, ten shares; A. J. Charnock, ten shares; A. M. Becker, two shares; Frew, Hagans & Hall, one share; Lewis Baker & Co., one share. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of December, eighteen hundred and sixty-nine.

[Signed,]

A. C. PARTRIDGE,
 FREW, HAGANS & HALL,
 by A. C. Partridge, their att'y in fact.
 LEWIS BAKER & CO.,
 by A. C. Partridge, their att'y in fact.
 MARY E. PLUMMER,
 GEO. W. ROBINSON,
 A. J. CHARNOCK,
 A. M. BECKER."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the twentieth day of December, eighteen hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of December, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

WORKINGMEN'S BUILDING ASSOCIATION.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation, by the name of 'Workingmen's Building Association,' for the purpose of raising money to be used among the members of such corporation, in buying lots or houses, or in building and repairing houses; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the first day of January, eighteen hundred and eighty-five. And for the purpose of forming the said corporation, we have subscribed the sum of one thousand eight hundred dollars, and

have paid in on said subscription the sum of two hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred and fifty dollars each, which are held by the undersigned respectively as follows: by John A. Ritz, residence in Wheeling, West Virginia, four shares; Robert Emblen, Wheeling, West Virginia, two shares; Patrick Burke, Wheeling, West Virginia, two shares; Peter Wendel, Wheeling, West Virginia, two shares; Thomas Pendergrast, Wheeling, West Virginia, two shares. And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-second day of December, eighteen hundred and sixty-nine.

[Signed,]

JOHN A. RITZ,
THOMAS PENDERGRAST,
PETER WENDEL,
PATRICK BURKE,
ROBERT EMBLEN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty-five, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-third day of December, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.

FIRST MUTUAL STORE OF NEWBURG.

I, James M. Pipes, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

"The undersigned agree to become a corporation by the name of the 'First Mutual Store of Newburg,' for the purpose of carrying on the business of a retail dealer in dry goods, groceries, etc.; which corporation shall keep its principal office or place of business at Newburg, in the county of Preston, West Virginia, and is to expire on the first day of January, eighteen hundred and eighty. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital stock thereof, and have paid in on said subscriptions

the sum of fifty dollars; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to ten thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: Wm. Hubbard, one share; John H. Henry, one share; Eli T. Nine, one share; B. F. Talbott, one share; and J. M. Allen, one share; all of Newburg, Preston county, West Virginia. And the capital hereafter to be sold is to be divided into shares of like amount.

Given under our hands, this fifteenth day of December, eighteen hundred and sixty-nine.

[Signed,]

WM. HUBBARD,
JOHN H. HENRY,
ELI T. NINE,
BENJ. F. TALBOTT,
J. M. ALLEN."

Wherefore, the corporators named in the said agreement, and who have signed the same, are hereby declared to be, from this date until the first day of January, eighteen hundred and eighty, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-third day of December, eighteen hundred and sixty-nine.

SEAL.

JAMES M. PIPES,
Secretary of the State.



LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the years 1869 and 1870, with the residence and date of appointment of each Commissioner; also, the date when evidence of their qualifications were filed. The term of office of Commissioners under said appointment is two years.

States.	Names of Commissioners.	Residence.	Date of appointment.	When evidence of qualification was filed.
New York.....	Franklin A. Wilcox	New York.....	Feb. 18, 1869	Feb. 24, 1869
"	Christ'n Von Hesse.	"	Mar. 4, 1869	Mar. 11, 1869
Ohio.....	Wm. Henry Gorrill.	Toledo.....	Mar. 8, 1869	Mar. 12, 1869
"	Sam'l S. Carpenter	Cincinnati.....	Mar. 13, 1869	Mar. 18, 1869
New York.....	Judson Jarvis.....	New York.....	Apr. 6, 1869	April 22, 1869
Maryland... ..	H. L. Emmons, Jr.	Baltimore.....	Apr. 12, 1869	April 16, 1869
New York.....	W. E. Osborn.....	Brooklyn.	Apr. 13, 1869	April 17, 1869
New Jersey.....	Abraham Suydam..	New Brunswick	Apr. 13, 1869	April 22, 1869
"	Matthew Lee.....	Newark.....	Apr. 13, 1869	April 27, 1869
New York.....	Horace Andrews...	New York.....	Apr. 16, 1869	April 21, 1869
"	W. H. Russell.....	"	May 5, 1869..
Maryland.....	Wm. B. Hill.....	Baltimore.	Mar. 20, 1869	April 22, 1869
New York.....	Alex. Ostrander....	New York.....	May 31, 1869	June 29, 1869
Pennsylvania.....	Imiman Horner.. ...	Philadelphia....	June 11, 1869	July 21, 1869
Ohio.....	Victor Abraham.....	Cincinnati.....	June 21, 1869
Maryland.....	Henry R. Dulany....	Baltimore.....	July 2, 1869	July 17, 1869
California.....	Frank V. Scudder...	San Francisco..	July 12, 1869
Pennsylvania.....	Wm. F. Robb.....	Pittsburg.....	Aug. 7, 1869	Aug. 11, 1869
New York.....	Wm. F. Lett.....	New York.	Aug. 10, 1869	Aug. 15, 1869
District Columbia	Jos. T. K. Plant....	Washington.....	Aug. 11, 1869	Aug. 18, 1869
New York.....	Jos. B. Nones.....	New York.....	Aug. 17, 1869	Aug. 19, 1869

LIST OF COMMISSIONERS—Continued.

States.	Names of Commissioners.	Residence.	Date of appointment.	When evidence of qualification was filed.
New York.....	Chas. F. Henry.....	New York.....	Sep. 8, 1869	Sep. 28, 1869
Pennsylvania.....	Edw'd D. Ledyard.	Philadelphia....	Sep. 8, 1869
New York.....	Fred R. Anderson..	New York.....	Sep. 10, 1869	Sep. 16, 1869
Illinois.....	Philip A. Hoyne....	Chicago.....	Sep. 22, 1869
Massachusetts....	S. A. B. Abbott.....	Boston.....	Sep. 24, 1869	Oct. 4, 1869,
Pennsylvania.....	Jno. Belangee Cox.	Philadelphia....	Sep. 27, 1869	Nov. 27, 1869
Massachusetts....	James B. Bell.....	Boston.....	Sep. 28, 1869	Oct. 4, 1869
New York.....	James M. Slevin....	New York.....	Oct. 8, 1869
Pennsylvania....	Edward Shippen....	Philadelphia....	Nov. 4, 1869	Nov. 13, 1869
Ohio.....	Wylie Oldham.....	Marietta.....	Oct. 26, 1869	Oct. 26, 1869
New York.....	J. Spencer Smith...	New York.....	Nov. 11, 1869	Nov. 27, 1869
Louisiana.....	Jno. M. Cooney.....	New Orleans...	Nov. 5, 1869	April 6, 1870
New York.....	Henry C. Banks....	New York.....	Nov. 29, 1869	Dec. 7, 1869
Ohio.....	J. W. Rielly.....	Wellsville.....	Dec. 11, 1869	Dec. 16, 1869
Pennsylvania	F. Herbert Janvier.	Philadelphia....	Jan. 6, 1870	Jan. 20, 1870
"	James Starr.....	"	Jan. 15, 1870	Jan. 20, 1870

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