

A C T S
OF THE
LEGISLATURE

OF
WEST VIRGINIA,

AT ITS
TENTH SESSION,
COMMENCING JANUARY 16, 1872.



CHARLESTON:
HENRY S. WALKER, PUBLIC PRINTER.

1872.



ACTS OF 1872.

CHAPTER 1.

An Act to change the names of Chapline and Averill Townships, in Jefferson County.

Passed January 30, 1872.

Be it enacted by the Legislature of West Virginia :

1. The name of Chapline township, in the county of Jefferson, is hereby changed, and said township shall be known as Potomac township. Name of township changed.

The name of Averill township, in said county, is hereby changed, and said Averill township shall be known as Middleway township. Name of township changed.

This act shall take effect on and after fifteen days from its passage. Commencement.

CHAPTER II.

An Act to amend and re-enact section 2, of chapter 12, of the Code of West Virginia.

Passed February 1, 1872.

Be it enacted by the Legislature of West Virginia :

There shall be a janitor annually elected (at each annual session of the legislature by the joint vote of the two houses,) whose term of office shall be for one year, and until his successor is elected, or appointed, and qualified. It shall be his duty to properly guard and take care of the capitol buildings, with all the apartments therein, or therewith connected, as also the capitol grounds, and have the same kept clean, warm, and comfortable. He When and how elected and for what term. His duties.

Causes for removal.

How removed and vacancy filled.

shall also, during the sessions of the legislature, have charge of the halls and committee rooms of the two houses, and keep the same properly cleaned, warmed, and in good order, and shall do and perform such other duties in relation to his office of janitor as either house or the board of public works may require—and for failing or refusing to perform the duties of his office, may be removed by the legislature when in session, and a successor elected, or when not in session, he may be removed from office by the board of public works, and a successor appointed by them.

CHAPTER III.

An Act to increase the capital stock of the Cross Roads and Summit Point turnpike company, in the county of Jefferson.

Passed February 1, 1872.

Be it enacted by the Legislature of West Virginia :

Capital stock increased.

Commissioners.

Subscription.

When and how new subscribers declared stockholders.

1. That in order to repair the Cross Roads and Summit Point turnpike, it shall be lawful to increase the stock of said company in the sum of two thousand dollars and that Robert W. Baylor, Henry Johnson and John A. Thompson, or any one of them, are hereby authorized to open books at Summit Point, in Jefferson county, to receive subscriptions to the increased stock of said company, in shares of twenty-five dollars, to the said amount of two thousand dollars.

2. Whenever, by authority of the act and by authority of any law of the state of West Virginia, an aggregate sum, not less than one thousand dollars shall be subscribed, the president of said company, by notice published in a newspaper printed in Jefferson county, West Virginia, and one printed in Clarke county, Virginia, may call a meeting of the stockholders of said company, and individual stockholders owning two-thirds of the private stock of said company agree thereto, the new subscribers shall be declared stockholders in said company, on an equal footing with the original stockholders. Persons sub-

scribing afterwards may be declared stockholders by the president and directors.

3. After the stockholders have accepted the provisions of this act, as provided in the second section, the board of supervisors of Jefferson county, West Virginia, shall at all meetings of the board of directors of said company, cast a vote equal to one-fourth of the entire stock of said company. Vote of board of supervisors.

CHAPTER IV.

An Act to authorize Nimrod Morgan and A. Prichard to erect a boom across Long Drain Branch of Fish creek, in Wetzel county.

Passed February 1, 1872.

Be it enacted by the Legislature of West Virginia:

That Nimrod Morgan and A. Prichard are hereby authorized and empowered to boom Long Drain Branch of Fish creek, in Wetzel county, at or near the mouth of Stollemlire's run: *Provided*, That said boom shall be so constructed as not to prevent staves and railroad ties from being floated down said stream into said Fish creek. Authority to erect boom. Not to interfere with staves, &c.

CHAPTER V.

An Act authorizing the board of supervisors of Jefferson county to issue county bonds.

Passed February 1, 1872.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful for the board of supervisors of Jefferson county to issue county bonds to an amount not exceeding fifteen thousand dollars, to bear a rate of interest not exceeding ten per cent. per annum. Authority. Amount and interest.

2. Said bonds shall be issued in sums of from one to five hundred dollars, and shall run not exceeding ten years; the interest shall be paid semi-annually, and the Sums issued in. How long to run

principal redeemable whenever the board of supervisors deem best for the interest of the county.

Bonds to be sold
at par.

3. Said bonds shall not be sold for less than their par value, and the proceeds thereof shall be applied to the re-building of the court house and jail of said county.

CHAPTER VI.

An Act extending the time for returning the delinquent list of Jefferson county, and for other purposes.

Passed February 1, 1872.

Be it enacted by the Legislature of West Virginia :

Time for return-
ing delinquent
list extended.

1. That the time for returning the delinquent list of Jefferson county, for the year eighteen hundred and seventy-two, be extended to the first of August next.

Payment of
taxes, time ex-
tended.

2. That the time for the payment of the last installment of taxes be extended to the first of September next.

CHAPTER VII.

An Act authorizing the Galbraith Female Seminary, of Parkersburg, to confer literary degrees, and award diplomas.

Passed February 3, 1872.

Be it enacted by the Legislature of West Virginia :

Authorized to
confer literary
degrees.

The principal or board of instruction of the Galbraith Female Seminary of Parkersburg, in the county of Wood, West Virginia, are hereby authorized and empowered to confer literary degrees upon, and award such diplomas to, the graduates and pupils of said seminary as complete the course of study prescribed therein, as are usually conferred by institutions of a like character for the education of females.

CHAPTER VIII.

An Act in relation to convicts in the penitentiary.

Passed February 3, 1872.

Be it enacted by the Legislature of West Virginia :

If any person shall secretly, or otherwise, convey to any convict in the penitentiary spirituous liquor or intoxicating drinks of any kind whatever, or shall furnish any convict with any weapon, utensil or instrument of any kind whatsoever, or shall counsel any convict to escape, or aid in any insubordination to the authorities of said penitentiary, he or she, upon conviction, shall be confined in jail not less than three nor more than twelve months, and pay a fine not exceeding five hundred dollars.

Penalty for furnishing convicts strong drink and weapons.

CHAPTER IX.

An Act to amend and re-enact the first and fifth sections of an act passed February 27, 1871, entitled "An act conferring jurisdiction on the municipal court of the city of Wheeling, in civil and criminal cases for the violation of the license law."

Passed February 5, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the municipal court of Wheeling, in the county of Ohio, be, and the same is hereby, invested with concurrent jurisdiction with the circuit court of said county, of hearing and determining all complaints concerning the violation of any law respecting licenses for the sale of spirituous liquors, ale, beer, porter and other intoxicating drinks, granted within the corporate limits of said city.

Jurisdiction of the municipal court of the city of Wheeling.

2. This act is intended to divest all justices within the corporate limits of said city from all and any jurisdiction whatever, of all complaints and actions arising from the violation of licenses for the sale of spirituous liquors, wine, ale, beer, porter and drinks of like nature without licenses: Provided, That nothing in the above act shall be so construed as to deprive the circuit court of said county of its appellate jurisdiction.

Justices divested of power.

Appellate jurisdiction.

CHAPTER X. *

An Act providing for the payment of the expenses of the Constitutional Convention.

Passed February 6, 1872.

Be it enacted by the Legislature of West Virginia :

Appropriation
to pay expenses
of constitutional
convention.

That for the purpose of defraying the expenses of the constitutional Convention now in session, and paying the members and officers thereof, the sum of ten thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated, upon orders signed by the President of said Convention.

CHAPTER XI.

An Act relating to the School District of Wheeling.

Passed February 5, 1872.

Be it enacted by the Legislature of West Virginia :

Independent
school district.

1. The city of Wheeling shall constitute an "independent school district," to be known as the school district of Wheeling.

Commissioner ;
their election.

2. At every annual election for township officers there shall be elected in each township, or part of townships, within the corporate limits of the city of Wheeling, one competent person to serve as school commissioner for a term of three years from the first Monday in January succeeding his election, and until his successor is elected and qualified; and the persons so elected throughout the district, together with the commissioners previously elected and qualified, whose term of office will not have expired on said first Monday in January, shall constitute a board of education for the district, to be denominated "The board of education of the school district of Wheeling." The term of office of the present members of the board of education shall cease with the expiration of the time for which they were respectively elected.

Board of educa-
tion.

Expiration of
term of office.

3. No person shall be allowed to vote for school com-

missioner who is not an actual resident of, and qualified to vote for the mayor of the city of Wheeling; and in all townships lying partly within and partly without the city of Wheeling, separate ballot-boxes shall be provided, in which shall be deposited only ballots for school commissioners; and it shall be the duty of the officers holding the township elections, to receive and count said ballots, and make returns of the same as provided for other township officers; and the clerk of the board of supervisors of Ohio county shall, within thirty days next after such election, certify to the clerk of the board of education the results of said election for school commissioners.

Qualification of voters.

Mode of voting.

Duty of officers of election.

Duty of clerk of board of supervisors.

4. It shall be the duty of the clerk of the board of education, before the first day of January in each year, to notify the commissioners elect throughout the district of their election, and before assuming the duties of their office, each of said commissioners shall qualify by taking and subscribing to the following oath of office: "I do solemnly swear (or affirm,) that I will faithfully discharge the duties of school commissioner of the school district of Wheeling, during the term of my office, to the best of my ability, and according to law, so help me God," and such other oath or affirmation as may be required by law. Such oath of office may be administered by the clerk of said board, at any time, on or before the 1st Monday in January next of the election, and the same, or a copy thereof, shall be kept by him upon the files of his office. Any vacancy which may occur in the office of school commissioner, by death, resignation, refusal to serve, or otherwise, shall be filled by the board of education of the district at any regular meeting, at which such vacancy occurs, or at the first regular meeting held thereafter, by the appointment of a suitable person, resident of the township or sub-district in which the vacancy shall have occurred, who shall hold the office until the first Monday in January thereafter, and at the first annual township election which shall be held after said appointment, a successor shall be elected for the unexpired term.

Duty of clerk of board of education.

Oath of commissioners.

Who may administer the oath.

Vacancy in office of school commissioner.

How filled.

Expiration of term of office.

5. On the first Monday in January of each year, at seven o'clock, p. m., at such place as may have been designated, there shall be held a meeting of the board, at

Organization of board.

which meeting the board shall be organized, if a majority of the members be present, by the election of one of their number for president, and of a suitable person for clerk.

President and clerk entitled to vote.

The president, and also the clerk, if he be a commissioner, shall be entitled to vote upon all questions submitted to the decision of the board. Before entering upon the duties of his office the clerk shall, with at least two good sureties, not members of the board, to be approved by the board, enter into a bond payable to the board of education of the school district of Wheeling, conditioned for the faithful discharge of the duties of his office, in such penal sum as the board may direct; and for good cause, a new bond and other bondsmen may from time to time be required by said board, and such bond, or bonds, shall be filed with the president of the board for safe keeping.

Bond of clerk.

President of board; his duties

6. The president shall perform such duties as ordinarily devolve upon the presiding officer of a deliberative body. In his absence a president *pro tem*, may be chosen.

Clerk; his duties.

7 The clerk shall attend all meetings and record, in a book to be provided for the purpose, all the official acts and proceedings of the board, which shall be a public record open to the inspection of all persons interested therein. He shall preserve in his office, all papers containing evidence of titles, contracts, and obligations, and, in general, shall record and keep on file in his office all such papers and documents as may be required by any of the provisions of this act, or by order of the board of education. He shall, annually, between the first and tenth of July, make report to the district superintendent, of such facts in his possession as may be necessary to enable said superintendent to complete the report required to be made by him to the state superintendent of schools, or which may be required by the board of education. For his services he may receive such compensation as the board may allow. In his absence the board may appoint a clerk *pro tempore*.

Compensation.

Meetings of board.

8. The board of education shall hold stated meetings at such times and places as they may appoint, a majority of members being required to constitute a quorum for the transaction of business. Special meetings may be called by the president, or, at the request of five members of the

Special meetings; how called

board, by the clerk, on giving one day's notice of the time of holding the same, stating the object of such meeting.

9. The board of education of the district of Wheeling shall be a body corporate in law, and as such, they may purchase, hold, sell or convey real or personal property for the purposes of education within the district; may receive any gift, grant, donation or devise; may become party to suits and contracts, and do other corporate acts. They shall have the management of, and be invested with, the title to all real and personal property for the use of the public schools within the district, and shall manage and dispose of the same as in their opinion will best subserve the interests of the schools.

Incorporation
and powers of
board.

10. Annually, within sixteen days after the fourth day of July, the board of education shall cause to be taken an enumeration of all the youth between the ages of six and twenty-one years, resident in each township of the district, distinguishing between males and females, white and colored, and the result thereof verified by the oath or affidavit of the persons employed to take the same, to the effect that the enumeration is correct, and that they have used all the means in their power to have it so, shall be recorded in the office of the clerk of the board. It shall be the duty of the clerk to administer said oath; he shall also communicate to the district superintendent the result of said enumeration of youth. The parties employed to take said enumeration may be required, at the same time, to take the census of the district.

Enumeration of
youth.

11. The state superintendent of schools, in his report to the auditor, shall specify separately the results of the enumeration of youth in the school district of Wheeling and the rest of Ohio county, and the auditor, in apportioning money for school purposes, shall apportion to the district of Wheeling and the rest of Ohio county separately, according to their respective numbers of youth as shown in the list furnished by the state superintendent; and the president of the board of education of said district shall draw his requisition upon the auditor, in favor of the collector of the district of Wheeling for such amount as the district is entitled to receive according to the apportionment of the auditor, whose duty it shall be, as

Reports of enu-
meration and
apportionment
of school money

early as practicable, to notify the clerk of the board of the amount of said apportionment.

Assessment for school purposes.

12. It shall be the duty of the board of education annually, in the month of July, to determine, as nearly as practicable, the amount of money necessary, in addition to all other available funds, to continue the schools of the district for a period of not less than nine months, and for all other purposes relating to the schools of the district, such as the repairing and improvement of school premises, the purchase of sites and the building of school houses, the payment of debts previously contracted, which may fall due within the year; and said board shall cause the amount to be levied on all the taxable property of the district, as assessed and returned for city taxation: Provided, That not more than four mills on the dollar valuation of said taxable property, shall be levied in any one year for the purpose of continuing the schools for said period of not less than nine months, and for ordinary repairs and incidental expenses; and not more than three mills on the dollar valuation for the purchase of sites, the building of houses and permanent improvements. The amount collected under the levy first named shall be known as the school fund, and that collected under the last levy named shall be known as the building fund. The amount so levied under the provisions of this section, shall be collected and disbursed by the same officer by whom the city levies are collected. The amounts thus collected shall severally be certified to by the collecting officer to the clerk of the board of education, and shall be paid out only upon drafts signed by the clerk, and issued by order of the board, specifying upon its face the particular account to which the same is chargeable; nor shall any credit be allowed to the collector in his annual settlement upon any voucher other than such draft.

Proviso.

Building fund.

Collection of levy.

How paid out.

Settlement by collecting officer

13. The collecting officer shall, annually, in the month of July, make settlement with the finance committee of the board of education, of all accounts arising from levies made by the board within the preceding year, and for all moneys coming into his hands for school purposes, and shall at the same time, account to said committee for all school moneys received, from what source, and on what

account, and the amount paid out for school purposes in the district, during the school year ending June thirtieth next preceeding such settlement.

14. The collecting officer, named in the preceding sections, shall for the purposes of this act, be known as the "collector of the school district of Wheeling," and before collecting or receiving any of the moneys of said district, shall give bond with sureties, not members of the board, approved by the board of education. in such amount as shall be named by said board, which bond shall be filed with the clerk of the board, whose duty it shall be, upon the forfeiture of said bond, to prosecute and collect from said collector, and his sureties, the amount named in the bond, for the use of said district, and new bond and sureties may be required by the board in proper cases.

Collecting officer; how styled.

Bond.

If forfeited clerk to prosecute and collect.

15. In case the collector shall fail to make such annual settlement within the time prescribed in this act, he shall forfeit five hundred dollars, to be recovered before any court having jurisdiction, for the use of the schools of the district. And it is hereby made the duty of the clerk of the board of education, to proceed forthwith, in case of such failure, by suit against such collector and his securities, to recover the penalty aforesaid. But, if before suit shall have been entered, the collector shall satisfy the president and the clerk of the board of education that owing to sickness, or other causes which may seem to them sufficient, said settlement has been rendered impracticable, such further time may be allowed as the president and clerk may deem reasonable and just.

Failure of collector to settle.

Penalty.

How recovered.

When time may be extended to collect.

16. The collector, for collecting and disbursing the taxes levied by the board of education, shall be entitled to receive such commission as the board may allow, not exceeding three per cent. of the amount collected; and for all other school moneys received by him he shall be allowed a commission not exceeding one per cent. on the amount received and disbursed.

Compensation.

17. The board of education shall have power to make all necessary rules and regulations for the government of the schools of the district; for the admission of pupils therein, for the exclusion of children whose attendance

Power of board

Text books. would be dangerous to the health, or detrimental to the morals or discipline of the schools. They may prescribe a uniform list of text books for use in the schools of the district, and may furnish books and stationery for the use of indigent children in attendance at the school; they may provide a suitable number of evening schools during the fall and winter months, for the instruction of such youth over twelve years of age, as are prevented by their daily vocation from attending day schools; they may furnish all necessary apparatus, stationery, registers, text books, and books of reference for the use of teachers, and incur all other expenses necessary to make the system efficient for the purposes for which it was established, and pay the same from the school funds of the district.

Sub-districts. 18. Each township, or part of townships, of the district of Wheeling shall constitute a sub-district, and in each sub-district there shall be established by the board of education at least one grammar school, and one graded primary school.

Primary schools In the primary schools shall be taught orthography, reading, penmanship, arithmetic and geography, to such extent as the district superintendent of schools, with the approval of the board of education, may prescribe.

Grammar schools. In the grammar schools, English grammar and United States history shall be taught, in addition to the branches named for the primary schools. No pupil shall become a member of a grammar school who shall not first have completed the course prescribed for a primary school. In the grammar schools, the course shall be thorough and complete in branches named. The board shall have power to establish one high school for the district, in which shall be taught such higher branches of learning as the district superintendent, with the approval of the board of education, may designate. Until said high school shall be established, such higher branches shall be taught in the grammar schools of the district. No person shall become a pupil in said high school who shall not first give satisfactory proof to the district superintendent, of due proficiency in the branches prescribed for a grammar school.

High schools.

Who may attend.

Admission to schools. 19. Admission to the various schools of the district shall be gratuitous to all white children, wards and apprentices of actual residents within the district, between the ages

of six and twenty-one years: Provided, That the admission of pupils, residents of one sub-district to the schools of another, shall rest with the board of education. Non-residents of the district may be allowed to attend the schools of the district upon such terms as the district superintendent, with the approval of the board of education, may prescribe.

20. The board of education shall establish within the district one or more separate schools for colored children, when the whole number, by enumeration, exceeds thirty, so as to afford them, as far as practicable, the advantages and privileges of a free school education. All such schools shall be under the management and control of the board, and shall be subject to like general regulations as the other schools of the district; but under no circumstances shall colored children be allowed to attend the same school or be classified with white children.

Schools for colored children.

21. When ground shall have been designated by the board of education as a suitable site for a school house and the necessary buildings, or for enlarging a school house lot, if the owner or owners refuse to sell the same, or demand a price therefor which is deemed by the board unreasonable, the board of education may petition the circuit court of Ohio county to have such ground condemned for the use of the public schools, and said court shall appoint a jury of viewers, to consist of three discreet and disinterested persons, not resident in the township in which such ground is located, who, being duly sworn or affirmed faithfully and impartially to try all matters submitted to them, shall assess the value of such ground; and upon due return being made of such assessment, and the amount thereof being paid or tendered to the owner or owners of the ground in question, the said board may enter thereon and use such ground for school purposes: Provided, That no land shall be taken in one parcel which shall exceed in quantity one acre.

Condemnation of lands for school purposes.

22. All school houses, school house sites and other property for the use of the public schools of the district, shall be exempt from taxation, and also from sale on execution or other process in the nature of an execution.

School property exempt from taxation.

Superintendent. 23. At their first meeting in January, or at the first regular meeting thereafter, the board shall appoint a superintendent of schools for the district, and fix his salary. Said superintendent shall be an officer of the board, and in addition to the duties specified in this act, he shall perform such other appropriate duties with relation to the schools of the district as the board may prescribe. He shall be liable to removal by the board of education, for any palpable violation of law or omission of duty. He shall not be removed unless charges shall be preferred to the board by a member thereof, and notice of a hearing with a copy of the charges delivered to him, and opportunity be given him to be heard in his defence. When the office shall become vacant from any cause before the expiration of the term for which the superintendent shall have been elected, the board of education shall fill the same by appointment for the unexpired term. It shall be the duty of the district superintendent to make from the report of the clerk of the board of education, and from his own information, such report to the state superintendent of free schools, of the character and financial condition of the schools of the district as may be necessary, in order to secure to the district its quota of the state school fund, and to convey to said state superintendent all necessary information of the character and condition of the schools of the district. The district superintendent shall not directly or indirectly receive any gift, emolument or reward for his influence in recommending the use of any book, apparatus or furniture of any kind whatever, in the schools of the district.

Vacancy in his office.

His duty.

Examining committee.

24. The board of education may appoint two competent persons to act with the district superintendent as an examining committee. It shall be the duty of said committee to examine applicants for positions as teachers in the schools of the district; but no applicant shall be entitled to examination who shall not furnish evidence satisfactory to the committee, of good moral character.

Teachers certificates.

Certificates of qualification shall be granted according to the following scheme, numbering from one to five, according to the merits of the applicants, thus: Number one shall denote a very good teacher; number two, good; number three, medium; number four, deficient; number

five, very deficient. A number five certificate shall be granted not more than once, and a number four certificate not more than twice to the same person. No certificate shall be granted for a longer period than one year; but a number one, two or three certificate may be renewed at the option of the examining committee. The committee ^{Meetings of committee.} shall hold meetings for the examination of teachers at such times and places as the superintendent may appoint. They may receive such compensation as the board may ^{Compensation.} allow.

25. Teachers for the grammar and primary schools shall ^{Teachers; their appointment.} be appointed by the commissioners of the respective townships, subject to the approval of the board of education. When a high school for the district shall have been established, the teachers for the same shall be appointed by the board: Provided; That no person shall be employed to teach in any public school of the district, who shall not first have obtained from the examining committee a certificate in duplicate of qualification to teach a school of the grade for which application is made, the duplicate copy of which shall be filed with the clerk of the board of education; and no salary shall be paid to any teacher until such duplicate be filed as aforesaid. The board shall ^{Salaries.} annually, in the month of July, before making the levy for school purposes as provided in this act, fix the salaries to be paid to teachers for the scholastic year to commence on the first Monday of September ensuing.

26. Teachers shall be subject in all respects to the rules and regulations adopted by the board of education, and they may be removed by the board for incompetency, grossly immoral conduct or other good cause, upon complaint of the superintendent or any member of the board. ^{Removal of teachers.}

27. If any person shall wilfully mar, deface or otherwise injure any school house, out buildings, fence, furniture or other school property of the district, the person so offending shall be liable to prosecution before any court of competent jurisdiction within the county of Ohio, and ^{Injury to school property.} upon conviction, may be fined not less than five dollars or more than one hundred dollars, and shall pay the costs of prosecution, and be imprisoned in the jail of the county ^{Penalty therefor}

Who to prosecute.

not more than sixty days, and shall be liable to an action for damages at the instance of the board of education of the school district of Wheeling, for the actual damages to such property. If the injury be done by a minor, whether wilfully or not, the parent or guardian of such minor shall be liable to an action for such damages. If shall be the duty of the school commissioners of the township in which said property damaged may be situate, to ascertain, if possible, by whom the offence was committed, and to cause the person so offending to be arrested and tried for the offence in the manner provided by law for misdemeanors recognizable to the circuit court; but such arrest may be made upon the affidavit of persons other than such commissioners. All fines or damages collected by virtue of this section shall be paid to the collector of the district, and become a part of the school fund of the district.

Fines to become part of school fund.

Financial statement of board.

28. The clerk of the board shall annually, in the month of August, publish in the two newspapers of the city of Wheeling having the largest circulation, a detailed statement of all the receipts and expenditures of the board during the previous year.

General school law not to affect district.

29. The provisions of the general school law of the state not included in this act shall not be regarded as applicable to the district of Wheeling, and all laws and acts heretofore existing which are in any manner inconsistent with the provisions of this act, shall be void within said district: Provided, That this section shall not be so construed as to prevent the citizens of any township within the district from appropriating any township money not otherwise appropriated, for school purposes.

Acts of board legalized.

30. The organization of the board of education of the school district of Wheeling, on the first Monday in January, 1872, and all acts and proceedings done and had since such organization, are hereby legalized and made valid.

CHAPTER XII.

An Act to amend an act to incorporate the
Kabletown and Bloomery Turnpike Company.

Passed February 6, 1872.

Be it enacted by the Legislature of West Virginia :

1. The sixth section of chapter one hundred and eighteen of the acts of eighteen hundred and sixty-nine is hereby amended and re-enacted so as to read as follows : Chapter amended.

6. The board of supervisors of the county may subscribe not exceeding twenty-seven thousand dollars of said capital stock, and levy the same on the taxable property of said county in such levies as the board may deem expedient, and the county shall be a stockholder to the extent of its stock subscribed; and the board of supervisors shall appoint one or more persons to cast the vote of the county in any meeting of the stockholders, and the number of such votes shall be in proportion to the number of shares of stock held by the county at the time of such meeting." Subscription by Jefferson county How made. County a stockholder. How vote of county cast.

CHAPTER XIII.

An Act to alter part of the division line between
the counties of Hampshire and Mineral.

Passed Feb. 8, 1872.

Be it enacted by the Legislature of West Virginia :

That the act passed the twenty-ninth day of February, 1868, entitled "An act to alter part of the division line between the counties of Hampshire and Mineral," be and the same is hereby repealed, and the territory by said act annexed to and made part of the county of Mineral, is hereby re-annexed to, and made part of the county of Hampshire, and the township constituted by said act, shall continue to be known as Mill Creek township, to be governed as other townships of the said county of Hampshire, and all officers therein shall continue to perform their duties until their successors are duly elected and qualified, or until otherwise ordered by law. Acts repealed. Alteration of dividing lines. Township officers.

CHAPTER XIV.

An Act to amend and re-enact the charter of the town of Moorefield, in the county of Hardy.

Passed February 9, 1872.

Be it enacted by the Legislature of West Virginia :

Charter amended.

That the charter of the town of Moorefield, in the county of Hardy, is hereby amended and re-enacted so as to read as follows :

Corporate limits.

1. The corporate limits and boundaries of the town of Moorefield shall be as follows : Beginning at the post of the cemetery gate nearest to the east side of the Wardensville and Moorefield turnpike, and with a line from said post, crossing said turnpike, and through the lands of James Kuykendall to a large black oak tree standing on the bank, and near the South Branch of Potomac, on the land of the said James Kuykendall, thence to said South Branch and up said South Branch to the South Fork, and up said South Fork to a large sycamore tree, situated at the lower end of a tract of land belonging to the heirs of Adam Harness, and thence in a direct line through said Harness' land, and through the land of Samuel H. Alexander and Thomas Maslin to a large elm tree on the land of said Maslin, thence in a direct line from said elm tree, with the division fence between Thomas Maslin, Levi N. Burk and others to the South Fork, and up the said South Fork to the line of James W. F. Allen, thence down the run with said Allen's line and the line of the late William Seymore, deceased, to locust tree standing a few feet in the field on said Seymore's land, a short distance above the lot and residence of Thomas Maslin, thence in a direct line from said locust through the lands belonging to the said Seymore's estate, to a small apple tree on the east side of an old ice house on said Seymore's land, thence in a direct line through said ice house to the beginning.

Municipal authorities.

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

3. The mayor, recorder and councilmen, so soon as they have been elected and qualified, as hereinafter provided,

shall be a body corporate, by the name of "the town of Moorefield," and shall have perpetual succession and a common seal, and by that name may sue and be sued, implead and be impleaded, may purchase and hold real estate necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said town.

Style and incorporation of town and corporate powers.

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

How corporate powers exercised.

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

Officers: their appointment.

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

Their duties may be discharged by same person.

7. The mayor, recorder and councilmen, shall be elected for the term of one year. They shall hold their offices until their successors are elected and qualified, and no one shall be eligible to either of said offices who is not a resident of said town, and qualified to vote for its common council.

Term of office of council.

Qualification for office.

8. The first election shall be held on the third Saturday in March, 1872, at the court-house in said town, under the supervision of a justice of Moorefield township, and annually thereafter there shall be an election on that same day in each year, at such place, and under such supervision, rules and regulations as the council of said town may prescribe. The persons conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of April next after their election.

First election.

Subsequent elections.

Certificates of election.

When term of office commences.

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

Vacancy--how filled.

Vacancy ; how filled.

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

Vote by ballot.

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

Persons receiving equal number of votes.

Contested elections : how determined.

Oath of office.

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

By whom administered.

When new council enter on their duties.

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

When offices declared vacant.

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

Council : who to preside.

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

Quorum of council.

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

17. The proceedings of the last meeting shall be read to the council, corrected when necessary, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes on any question shall be called and recorded in the journal. The mayor, though voting as a member of the council, in cases of a tie, shall have the casting vote. Proceedings called and approved. Ayes and noes may be called. Mayor to have casting vote.

18. The council so constituted shall have power within said town, to lay off, open, curb and pave streets, alleys, walks and gutters for public use, and to alter improve and light the same, and to have them kept in good order and free from obstructions on, or over them, to regulate the width and grade of side-walks and streets, and to order the side walks, foot ways and gutters to be curbed, paved and kept in good order, free and clean by the owners, or occupant, of the adjacent property; to lay off public grounds and provide contracts for and take care of public buildings proper to the town to prevent injury or annoyance to the public or individuals, from anything dangerous, offensive or unwholesome; to abate or cause to be abated, anything which, in the opinion of a majority of the whole council, shall be a nuisance; to regulate the keeping of gun powder and other combustibles; to provide for the burial of the dead, and for this purpose may purchase and hold the necessary land for a cemetery, near or convenient to said town, and provide for its improvement and security; to provide for the regular building of houses and other structures in, or for, said town; for the making of division fences, and to provide for shade and ornamental trees, and against danger of damage from fires or contagious diseases; to provide a revenue for the town and appropriate the same, and to provide for the annual assessment of taxable persons and property of the town; to adopt rules for the transaction of business, and the government and regulation of its own body; to promote the general welfare of the town and protect the property and preserve the peace and good order therein; to keep a town guard, appoint and Power of council.

order out a patrol for the town, when deemed necessary; to appoint such officers as they may deem proper, including a sergeant, a commissioner of the revenue and treasurer; to define their powers, prescribe their duties, fix their term of service and compensation, require and take from them bonds, with such surities and in such penalty, as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure, (all bonds to be made payable to the town by its corporate name,) to erect, or authorize or prohibit the erection of gas works or water works, in, or near the town; to prevent injuries to, or pollution of the same; to regulate and provide for weighing and measuring of hay, coal, wood and other articles sold, or for sale in said town, and to regulate the transportation thereof through the streets, and generally, to do such things as the council shall deem necessary for the interest, propriety, peace and good order of the citizens of said town.

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

Annual levy. 20. The annual levy ordered by the council may be upon all male persons within said town over the age of sixteen years, dogs, hogs, and other animals, and on all real estate within said town, which is not exempt from state taxation, and all such other subjects in said town, as may, at the time, be assessed with state taxes, provided the tax do not exceed twenty-five cents on every hundred dollars value of real and personal property; and provided further that no tax shall be levied upon land used for agri-

cultural purposes, when the said tract or parcel of land shall exceed two acres in one body or piece of land belonging to one person, or one dollar per head on each taxable male person.

21. When anything for which a state license is re- Licenses.
 quired, is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may, in such case require from the person so licensed a bond, with sureties, in such penalty, and with conditions, as it may determine.

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

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

24. The council may prohibit any theatrical or other

Council may prohibit shows. performance, show or exhibition it may deem injurious to the morals or good order of the town.

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

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

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

28. The said town and taxable property and persons

therein, shall be exempt from all expense or liability for construction or repair of roads or bridges outside the corporation limits of said town; but each male person over the age of twenty-one and not exceeding fifty years of age, resident in said town, shall pay an annual tax of one dollar, which tax shall be applied to the improvement of the streets within the corporate limits.

Exemption from taxes for roads, &c., outside corporation.

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

Prior rights of town.

CHAPTER XV.

An Act providing for a charter for the Coal River Railroad Company.

Passed February 10, 1872.

Be it enacted by the Legislature of West Virginia :

1. That James F. Hansford, John S. Cunningham, R. H. Fisk, Allen M. Smith, D. W. Emmons, William D. Pate, Thomas J. Broun, George W. Day, Adam Coon, Jr., Samuel H. Early, Joel E. Stollings, Isaac S. Samuels and Henry H. Hopkins, and their associates, successors and assigns, and all others who shall become stockholders, when five hundred (500) 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 "Coal River railroad company," provided said subscriptions shall be made in good faith within one year after the passage of this act.

Corporators.
Incorporation and style of company.

2. The said company is hereby authorized to construct a railroad from "St. Albans," in the county of Kanawha, to the Forks of Coal, from thence up Big Coal River to the Marsh and Clear Forks thereof, in Raleigh county.

Route of railroad.

Powers and liabilities of company. Also from the Forks of Coal up Little Coal River to Boone court-house, in the county of Boone. The said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for and declared in chapters fifty-two (52) and fifty-three (53) of the code of West Virginia, so far as the same are applicable to railroad companies, and not inconsistent with the provisions of this act.

Capital stock. 4. The capital stock of the said company shall not exceed two millions of dollars (\$2,000,000) to be divided into shares of one hundred dollars (\$100) each, and one vote may be cast on each share of stock.

Subscription books. 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 (3) or more of them, at such time and places as the persons who act in that capacity shall deem expedient.

Subscriptions in land or other property received. 4. Subscriptions to the capital stock, payable in land or other property, may also be received by the persons named in the first section of this act, subject, however, to the approval and ratification of the company after organization.

May hold and sell real estate. 5. The said company may hold land by purchase or otherwise, not exceeding fifty thousand (50,000) acres, for a period not exceeding five (5) years, from, and after the organization of the company, and it may sell and dispose of the said land, by deed or conveyance, executed by the president under authority of the board of directors. And

Subscriptions by companies. it shall be lawful for chartered companies, owning land on, and along Coal river, including Big and Little Coal rivers, to subscribe for, and become the owners of the capital stock, or any part thereof, of this company. And the said company shall have the power to connect its railroad with the Chesapeake and Ohio railroad, at, or near the mouth of Coal river, in Kanawha county.

Company may connect with C. & O. R. R.

When company may organize.

Election of directors, president and vice-president.

6. Whenever five hundred (500) shares of the capital stock shall have been "bona fide" subscribed for, payable in money, the said company may be organized by the election of nine (9) directors, who, from their own number, may elect a president and vice president; and may appoint and provide for the necessary officers of said com-

pany. The board of directors of the said comyany, shall have power and authority to conduct all the business of the 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, cantracts, liabilities, or any of them.

Board of directors; powers and duties.

7. The first meeting of the subscribers to the said capital stock, shall be held in Charleston, Kanawha county, West Virginia, and all subsequent meetings at such place as a majority of said subscribers may, from time to time determine.

First meeting; place of. Subsequent meetings.

8. The tolls on coal, lumber, and other freights passing over this railroad, shall not exceed the rates of toll charged for similar articles on the Chesapeake and Ohio railroad.

Rates of toll.

9. The said company may borrow money, at a rate of interest not exceeding ten (10) per centum, per annum, and may execute mortgages or deeds of trust, on its property and franchises, to secure the payment of the same.

May borrow money and execute mortgages.

10. The Legislature reserves the right to alter or amend this act; but such alteration or amendment shall not effect or impair the rights of the creditors of the company, to have the property, and assetts 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 company, distributed among themselves according to their respective interests.

Act amendable.

Rights of creditors not to be impaired.

CHAPTER XVI.

An Act to amend and re-enact the first and second sections of the twenty-ninth chapter of the code of West Virginia.

Passed February 12, 1872.

Be it enacted by the Legislature of West Virginia :

That the first and second sections of the twenty-ninth chapter of the code of West Virginia be amended and re-enacted so as to read as follows :

Sections amended and re-enacted.

Number of assessment districts and assessors in each county.

“1. There shall be two assessment districts in each of the counties of Barbour, Cabell, Greenbrier, Hampshire, Harrison, Jackson, Kanawha, Lewis, Lincoln, Mason, Marion, Marshall, Mineral, Monongalia, Monroe, Ohio, Preston, Randolph, Ritchie, Roane, Upshur, Wood and Wayne. Every other county shall constitute one assessment district, and the voters of each county shall hereafter elect one assessor for every district therein.

Supervisors may change boundaries of districts.

2. When there is more than one district in a county the board of supervisors may, by ordinance, lay off and change the boundary between such districts; but in laying off or changing the said boundary, no township shall be divided.

CHAPTER XVII.

An Act requiring the German language to be taught in the free schools of Charleston.

Passed February 12, 1872.

Be it enacted by the Legislature of West Virginia :

German language to be taught, and male teacher employed.

That the common council of the city of Charleston in Kanawha county be required in addition to what is taught now, to have the german language taught in the free school of said town; and for which purpose the common council of said city shall employ a german male teacher, capable of giving instructions in said german language.

CHAPTER XVIII.

An Act creating an Independent School District, to be known as the Lewisburg District, in the County of Greenbrier.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

School district established.

1. The town of Lewisburg, and the territory adjoining thereto, for one mile on each side of the present incorporate limits of said town, shall constitute one school dis-

trict, and the board of education of said district shall consist of three commissioners, who shall be elected by the resident voters of the district in the manner hereinafter provided.

Board of education.

2. The qualified voters of the said school district shall, on the third Saturday of April, 1872, elect three commissioners, who shall hold their office for one, two and three years, and their respective terms of office shall be determined by lot, and shall annually thereafter, at the election to be held for mayor and town council, elect one commissioner, and the town council of the town of Lewisburg shall appoint three voters to conduct the said election. The official term of the commissioners, elected under this act, shall commence within ten days after they shall have been officially notified of their election, and shall continue in office until their successors are elected and qualified. The provisions of the general school law in relation to the appointment of trustees shall not be held to apply to said district, but the board of education of said district shall perform all duties prescribed by law in relation to school trustees.

Election of commissioners.

Term of office ; how determined.

Annual election.

Commencement of official term.

General law not applicable as to trustees.

3. The property, real and personal, within the incorporate limits of Lewisburg, now vested in the board of education of Lewisburg township, shall, by virtue of this act, vest in the board of education of Lewisburg school district, and the said board of education shall have the same rights and shall exercise the same powers, perform the same duties, and be governed by the same laws that boards of education of townships are, except so far as may be otherwise provided by this act.

Board of education ; powers and duties.

The said board of education shall, at their first meeting, or as soon thereafter as may be practicable, elect one of their members as president, and another as clerk of said board, who shall perform all the duties required to be performed by the president and clerk of township boards of education.

President and clerk of board.

How elected and duties imposed.

4. Said board of education of said district shall have power to establish an adequate number of primary schools and a central high school, in which may be taught all the branches of education usually taught in academies or colleges, and shall have power to admit pupils not residents

Primary schools and high school.

Non-resident pupils.

Examination. of said district on payment of such rates of tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein, and for the examination that pupils must pass preparatory to admission to schools of higher grades, and to purchase and condemn all necessary real estate for school house and college sites, and to receive by voluntary donation or otherwise all sums of money or books that may be donated to them for the purpose contemplated by this act.

May purchase and condemn real estate.

Annual meeting of board. 5. The annual meeting of the said board shall be on the first Monday in June, and they may hold such other meetings as they may think necessary for the transaction of business. It shall be the duty of said board at their first annual meeting, and annually thereafter, to determine as near as possible the amount of money necessary, in addition to all other available funds, which ought to be expended in said school district during the succeeding school year, for which amount the said board shall levy a tax on property in said district, real and personal, and collect the same; provided, however, that said tax shall not exceed fifty cents on the one hundred dollar's valuation for any one year for both school and building purposes, without the consent of the voters of said district which shall be ascertained in the following manner: If the board shall be of the opinion that the circumstances will justify a larger levy than fifty cents upon the one hundred dollar's valuation, they shall call a school meeting of the voters of the district, by giving not less than ten days' notice of the time, place and object of the meeting, which notice shall be posted in five public places in the district and upon the front door of the court house, and a majority of the voters present and voting at said meeting shall determine the amount which shall be levied over and above the fifty cents upon the one hundred dollars' valuation.

Assessment for school purposes.

Rate of taxation

How rate of taxation may be increased.

Sheriff to collect

How disbursed. The same shall be collected by the sheriffs, and accounted for to the said board upon drafts drawn on the sheriff, and signed by the president and countersigned by the clerk of of the said board.

CHAPTER XIX.

An Act to remove the county seat of Grant county from Grant court house to Petersburg, in said county.

Passed February 13, 1872.

WHEREAS, In pursuance of an act passed February 14, 1871, entitled "An Act for the removal of the county seat of Grant county," the male citizens of Grant county met at their respective places of voting, on the fourth Thursday of April, 1871, and voted upon the question of the removal of the county seat of said county from Grant court house to Petersburg, in said county; and

Preamble.
Former legisla-
tion recited.

WHEREAS, A majority of said citizens voted for said removal; and

Whereas, the board of supervisors of said county refused to count said vote and declare the result thereof; and

Action of super-
visors and cir-
cuit court re-
cited.

Whereas, some of the citizens of said county applied to the judges of the circuit court of said county, for a mandamus against said board to compel them to count and declare the result of said vote, and obtained the same and upon a hearing thereof the said circuit court peremptorily ordered said board to count said vote and declare the result thereof; and

Whereas the said board still refuse to count said vote :

Be it enacted by the Legislature of West Virginia :

1. That the county seat of the said county of Grant shall cease to be at Grant court house twenty days after the passage of this act, and shall, from and after the expiration of twenty days, be located at Petersburg in said county.

County seat re-
moved and
located.

2. That Abraham Hutton, Michael Rader, T. J. Grove, Charles Williams and Abraham Smith be and they are hereby appointed commissioners to carry out the objects of this act as follows: They shall immediately after the passage of this act proceed to make temporary provisions for the courts and public offices required by law to be held and conducted at the county seat, and they are hereby authorized to contract on the credit of said county for the use

Commissioners
their duties.

and occupation for such time as they may think necessary for such buildings or rooms, having due regard to economy, as may be required for such purposes, also for such repairs and alterations of the same as may be necessary, and for such furniture, as may be needed in addition to that belonging to the county now in use at Grant court house, which last mentioned together with the public records, books and papers of the county, it shall be the duty of said commissioners, at the time designated in the first section thereof, to have removed to Petersburg in said county, under the superintendence of the several officers having charge thereof.

Commissioners;
their powers.

3. In performing the said duties, as to said temporary buildings and repairs, and the removal of said records, books, papers and furniture, the said commissioners are hereby authorized and empowered upon the credit of said county to make all necessary contracts for materials to be furnished, and work to be done from time to time, as may be required, and they shall certify the costs thereof to the board of supervisors of said county.

And it shall be the duty of said board, as soon as the same becomes payable, to provide for, and pay the same out of the county treasury in the same manner as if the material furnished, work done, use and occupation had, and repairs made, were under the direct control of the board of supervisors, provided, that the sum of money expended hereunder, for said temporary buildings, does not exceed one thousand dollars, and whenever required by said board of supervisors, the said commissioners shall report their proceedings hereunder to said board.

Proviso.

4. The board of supervisors shall not appropriate any money for the erection of permanent buildings at Petersburg before the fourth day of March, 1873.

Appropriation.

Acts repealed.

5. All acts and parts of acts heretofore passed, inconsistent with this act, are hereby repealed.

CHAPTER XX.

An Act to amend and re-enact section 2, of an act entitled, "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 2d, 1870.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

That section second, of an act entitled, "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 and is hereby amended and re-enacted so as to read as follows :

2. That for the purpose of laying and locating such railroad, or railroads, 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 subjected 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 26th day of February, 1866; and of any act, or acts, amending the same; and the said company shall have three years to complete the location and construction on said road.

CHAPTER XXI.

An Act to incorporate the Circleville and Beverly Turnpike Company.

Passed February 14, 1872.

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful to open books to receive subscriptions to an amount not exceeding thirty thousand dollars, to be divided into shares of twenty five dollars each;

- to constitute a joint capital stock company, for constructing a turnpike road from the town of Circleville, in Pendleton county, to the town of Beverly, in Randolph county, by such route as the corporation hereinafter named, may deem best and determine upon. The said books shall be opened under the direction of D. G. McClung, George A. Phuras, Phillip Phuras, jr., and Joshua Day, of Pendleton county; John S. Huffman, David Goffand, and Jonathan Arnold, of Randolph county, or any one or more of them, and at such place, or places, and at such time as a majority of the above named commissioners may appoint; twenty-five days' notice thereof being previously given.
- Route of road.**
- Commissioners.**
- Notice.**
- Incorporation.** 2. When five thousand dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of, "The Circleville and Beverly Turnpike Company," subject to the provisions of the code, except that the said road may be located at such grade, and constructed of such material, as the company may deem most expedient.
- Style of company.**
- Grade and material.**
- Tolls.** 3. Whenever as much as five miles, continuously, of said road shall have been made, and in good repair, tolls, not exceeding the tolls allowed by law, may be charged and collected upon such part, and parts, of said road, as shall be completed in sections of five miles from one end to the other.

CHAPTER XXII.

AN Act to authorize the City of Wheeling to subscribe to the Capital Stock of the Wheeling and Lake Erie Rail Road Company.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to
subscribe to cap-
ital stock.

1. That the council of the city of Wheeling in Ohio county is hereby authorized and empowered to subscribe in the name and on behalf of the said city, to the capital stock of a company authorized to construct a railroad from a point at or near said city, in the county of Belmont, in

the State of Ohio, to Toledo, in the county of Lucas, Ohio, to an amount not exceeding three hundred thousand dollars, on such terms as they may deem advisable, and said council may pay such subscription by issuing the bonds of said city, or otherwise, and may provide by taxation or otherwise for the redemption of such bonds, and payment of interest on the same.

Amount.

May issue bonds and provide for their redemption.

2. Before making such subscription, the council of said city shall cause a vote to be taken upon the question, at the several places of voting in said city at any general or special election ordered by them for that purpose, notice of which shall be published in each daily newspaper published in said city, for fifteen days at least before the poll is to be taken, at which election all persons having the right to vote for mayor of said city shall be entitled to vote. The poll shall thereupon be taken and the result ascertained under the regulations prescribed for city elections. On the ballot used in the said poll there may be written or printed thereon the words "Subscription" or "No Subscription," or any other mode that will show how the voter intends to vote on the question proposed. If it appear by the said poll that not less than three-fifths of the voters of the city, who voted upon the question of the proposed subscription, are in favor of the same, the subscription may then be made, to the amount proposed, or any less amount.

How subscription to be made.

Notice.

Who may vote.

How result ascertained.

What the ballot must show.

Three-fifths vote required.

3. The right to the stock subscribed for in pursuance of the preceding sections, or any special act of the legislature hereafter passed, shall be vested in the said city of Wheeling, and the council thereof shall have authority from time to time to appoint a proxy to represent the said stock in the meetings and elections to be held by the stockholders of the company. The dividends on such stock shall be collected as the city council may order, and paid into the city treasury, but before the subscription authorized by this act shall be made, such railroad company shall give a guaranty to the council of said city that it will construct its road into said city, and make its eastern terminus, and have its depot grounds and buildings thereon, within the corporate limits of said city, east of the east channel of the Ohio river.

Stock to vest in city.

Appointment of proxy.

Dividends; how collected.

Company to give guaranty.

Authority to grant the use of streets, &c., to company.

4. The council of said city of Wheeling is hereby authorized to grant to said railroad company, which may construct the road aforesaid, the use of any of the streets and alleys, or public grounds within said city, for its track upon such terms and restrictions as it may prescribe.

CHAPTER XXIII.

An Act fixing the times for holding court in the county of Fayette.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

Terms of court in Fayette county.

1. The terms of the circuit court for the county of Fayette shall hereafter be held as follows : On the twentieth days of May and August, and on the fifteenth day of November, in each year.

Acts repealed.

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

CHAPTER XXIV.

An Act providing a remedy for obstructions to the navigation of Guyandotte river.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

Mill and other dams to be constructed according to law or order of court.

1. That in case there is now any mill, or other dam, in the Guyandotte river, which, in its present condition, obstructs the navigation of said river, and which is not constructed in the manner required by law, or the order of the court permitting the erection and construction of the same, it shall be the duty of the owner of such dam, within six months from the passage of this act, to construct and place in the said dam a good, strong and sufficient slope, not less than thirty feet wide, and at least one hundred feet long, and not more than four feet from the bottom of the river at its head, and at such place in said dam as will

Owner required to place in slopes.

admit of the safe passage of timber in rafts or otherwise, down said river.

2. In case of the failure of the owner of any such dam to build such slope as is required by the preceding section within the time therein prescribed, the said dam shall, from and after the said time, be taken and deemed a public nuisance, and may be abated as such by any of the ways and means prescribed or permitted by law.

When deemed a public nuisance and how abated.

CHAPTER XXV.

An Act to authorize the trustees of Pleasant Valley M. E. Church lot, to sell and convey part of said lot.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Pleasant Valley Methodist Episcopal Church lot, in the township of Cove, Barbour county, are hereby authorized to sell and convey a part of the said lot.

Authority to sell and convey.

CHAPTER XXVI.

An Act to alter a part of the division line between the counties of Roane and Wirt.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

1. The division line between the counties of Roane and Wirt is hereby altered and established to run as follows: Beginning at a point at M. D. W. Boggs' farm on Spring creek, on the line between Roane and Wirt counties; thence a straight line so far as to strike the west fork of the little Kanawha river at the Calhoun line above the farm of Isaac Tucker, and so as to include said Tucker and W. B. Hildreth in said county of Wirt.

Division line.
Boundary.

2. The surveyors of Roane and Wirt counties shall run

Surveyors of
Roane and Wirt;
their duties.

and make the lines herein described, and make three fair plats thereof, which shall be disposed of as follows: One copy shall be delivered to the recorder of Roane county, and one to the recorder of Wirt county, and one to the secretary of state, to be by them safely kept in their said offices.

Their accounts;
how audited.

3. The accounts of said surveyors incurred in the discharge of the duties imposed upon them by this act, shall be audited by the board of supervisors of Roane and Wirt counties, and each county pay the one half of the sum so audited.

CHAPTER XXVII.

An Act to amend and re-enact chapter fourteen of the acts of 1871, fixing the times of the commencement of the terms of the circuit courts of the First Judicial Circuit.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia:

Chapter amended.

That chapter fourteen of the acts of 1871 is hereby amended and re-enacted so as to read as follows:

Terms of courts.

The terms of the circuit court of the counties comprising the first judicial circuit, instead of as heretofore prescribed, shall hereafter commence as follows:

Ohio.

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

Hancock.

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

Brooke.

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

Marshall.

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

CHAPTER XXVIII.

An Act authorizing the trustees of the M. E. Church at Fetterman, in Taylor county, to sell and convey the M. E. Church at that place.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Methodist Episcopal Church at Fetterman are hereby authorized to sell and convey their church building at Fetterman, with the ground thereto attached, belonging to said church. Authority to sell and convey.

CHAPTER XXIX.

An Act authorizing the trustees of the M. E. Church in Grafton to sell and convey their church and parsonage property.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Methodist Episcopal Church in Grafton are hereby authorized to sell the lot of ground upon which said church stands, and also to sell the lot of ground upon which their parsonage house stands, fronting on Main street, in said town, and to convey the said lots to the purchaser or purchasers. Authority to sell and convey church and parsonage property

CHAPTER XXX.

An Act to amend and re-enact section eight of chapter one hundred and thirty-nine of the code of West Virginia.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

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

Judgment lien
enforced under
twenty dollars.

“8. The lien of a judgment may always be enforced in a court of equity, as well where the amount due on the judgment, exclusive of interest and costs, is less than twenty dollars, as where it exceeds that sum.”

CHAPTER XXXI.

An Act to authorize the trustees of the Methodist Episcopal Church on Boggs Run to sell and convey their church property.

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to sell The trustees of the Methodist Episcopal Church at Boggs Run, in the county of Marshall, are hereby authorized to sell and convey their church lot and house, and invest the proceeds in other property for the use of said church.

Proceeds; how invested.

CHAPTER XXXII.

An Act for the relief of *Fortunatus White*, of Lewis county.

Passed February 13, 1872.

Preamble. WHEREAS, a patent for one hundred and seventy-five acres of land was issued by the State of West Virginia to *Fortunatus White* on the fourteenth day of January, 1869, by virtue of a survey dated November 22, 1867; and

WHEREAS, it appears that there was error in said survey, in this, that the surveyor who made said survey failed to include all the land covered by the entry of said *White*; therefore,

Be it enacted by the Legislature of West Virginia :

Secretary of
State authorized
to issue new pat-
ent.

That the secretary of state be and he is hereby authorized and directed, upon the surrender to him by said *Fortunatus White*, of a patent granted to said *White* on the fourteenth day of January, 1869, to cancel the same, and in lieu thereof to issue to the said *White* a patent for the

land embraced in the corrected survey of Andrew Stal-
naker, by the following metes and bounds, to-wit: Begin-
ning at a white oak and running thence N. 19° W. 16½ Metes and
bounds. poles to a white oak; S. 59° E. 32 poles to a chesnut
oak; N. 17° E. 20 poles to a chesnut; N. 50° W. 46 poles
to a black oak; S. 68° W. 72 poles to a chesnut oak; N.
211 poles to a stake on the Boston line; S. 87½° W. 86
poles to a poplar, White's corner; S. 92½ poles to a gum;
S. 81° W. 36 poles to a chesnut oak; N. 85½° W. 142¼
poles to a poplar, T. T. Taylor's corner, and, with his line,
S. 31° E. 154 poles to a white oak, J. R. Kemper's cor-
ner; S. 174 poles to a hickory, A. J. Jordan's corner, N.
8° E. 160 poles to a beech; and thence S. 82° E. 225
poles with White and Jordan's line to the beginning, con-
taining one hundred and seventy-five acres.

CHAPTER XXXIII.

An Act to amend the act passed February 20,
1871, entitled "An act to provide for two ses-
sions of the Supreme Court of Appeals in
every year."

Passed February 13, 1872.

Be it enacted by the Legislature of West Virginia :

That section two of the act passed February 20, 1871, Section amen-
ded. entitled "An act to provide for two sessions of the Su-
preme Court of Appeals in every year," be amended and
re-enacted so as to read as follows :

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

Wheeling, except by consent in writing of the parties or their counsel, unless the party desiring the hearing shall have given written notice to the opposite party or his counsel, of his intention to insist on a hearing, at least thirty days before the commencement of said term.

CHAPTER XXXIV.

An Act to incorporate the Wheeling and Ohio Union Railroad Company.

Passed February 15, 1872.

Be it enacted by the Legislature of West Virginia :

- Incorporators.** 1. That Henry K. List, Michael Reilly, George Baird, Wm. H. Woodward, John H. Hobbs, A. Willson, C. H. Booth, Aug. Pollock, Thomas J. Blair, E. J. Stone, John McClure, A. Armstrong, John Handlan, J. G. Smith, M. Pollock, G. W. Franzheim, John Oesterling, Wm. Hun, J. N. Vance, N. Reister, C. D. Hubbard, James McClung, Thomas Sweeny, Jos. A. Metcalf, Robert H. Cochran, Wm. H. Sturgiss, Clark Hains, Thomas O'Brien, Wm. P. Wilson, Eugene List and Benjamin Fisher, or any three or more of them, and their associates, successors and assigns, and all who shall become stockholders, when one thousand shares of the capital stock of the company shall have been subscribed as hereinafter provided, are made a
- Incorporation.** body politic and corporate, by the name, style and title of
- Style of company.** the "Wheeling and Ohio Union Railroad Company:" Provided, said subscription shall be made in good faith within three years from the passage of this act.
- Authority to construct railroad.** 2. The said company is authorized to locate, construct and maintain a railroad from some point within the city of
- Location of route.** Wheeling, across the Ohio river to the State of Ohio, and is also authorized to locate, construct and maintain any
- May construct branches.** branch thereof, on or over any street or alley within the city of Wheeling; and it is also authorized to locate, construct and maintain its road, or any branch thereof, on or over any street or alley within the city of Wheeling, and use on its railroad branches all necessary locomotives, cars, &c., for the transportation of passengers, freight, &c. :

Provided, however, that said company shall not locate Provide. or construct any depot, shops, road or branch road on any public property or street or alley without first obtaining the assent of said city, by an ordinance passed by the council of said city; and the said company shall not maintain or use any depot, shop or branch road not in accordance with the restrictions, limitations and conditions provided for in such ordinance.

3. The said company shall have authority to erect, construct and maintain a railroad bridge across the Ohio river Authority to construct bridge at any point within said city of Wheeling it may select: Provided, however, that said railroad bridges shall not be Provide. less than ninety feet high from low water mark and the channel span shall not be less than four hundred feet, Height of bridge unless a lesser height or lesser span be authorized by the Channel span. Congress of the United States; except that this provision shall not apply to the branch of the Ohio river on the Not to apply, &c west side of Wheeling Island.

4. The said company shall have authority, in the mode May condemn land, &c., and make connections. prescribed by the forty-second chapter of the code of West Virginia and amendments thereto, to enter upon, survey and condemn any land or real estate, or interest therein, requisite or proper for the purpose of erecting, constructing and maintaining, using and working all branch roads within the county of Ohio as may be suitable or proper for the purpose of connecting and intersecting its road on said bridge with the line of the railway of any railroad company in the said county, or State of Ohio, near the city of Wheeling, and shall further have authority to erect and maintain shops and depots within the city of Wheeling: Provided, always, that no real estate, or street or alley Provide. of the said city shall be taken and used except by and with the consent of its council, as is provided in the second section of this act.

5. It shall be lawful for said company to establish rates May establish rates of toll. of toll which it may collect on all locomotives, tenders, express, baggage, passenger, burden or other cars. of whatsoever kind, which may pass over its bridge, road or branch road, and for such freight, passengers or other things as may pass or be transported over its road, branch road or

Tolls to be uniform.

bridge: Provided, that the rate of toll shall be uniform and without discrimination as to all railroad companies, or persons and companies working or running a railroad or railroads which have their terminus on either side of the Ohio river, at or near the city of Wheeling.

Equal charges on all freights, &c.

6. Equal charges shall at all times be made to all railroads or companies on all freight, passengers, locomotives, tenders, etc., etc., transported on its road, branch or bridge or similar classes of trade, travel, cars and engines; and the said company shall at all times give equal facilities in regard to the line of track, arrangement of time at which track shall be used by the trains of railroad companies or concerns, so as in nowise to prejudice the trade or business of one company to the advantage of another.

Equal facilities.

Shall have all rights and be subject to restrictions provided in code.

7. The said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for and declared in the fifty-second and fifty-third chapters of the code of West Virginia, so far as the same are applicable to railroad companies and not inconsistent with the provisions of this act.

Capital stock.

8. The capital stock of this company shall not exceed three millions of dollars, to be divided into shares of one hundred dollars each, and shall be considered as personal property transferrable on the books of the company; 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 capital stock, books may be opened under the direction of the persons named in this act, or any three or more of them, at such time and place or places as the persons who may act in that behalf shall deem expedient.

How stock voted

Subscription books.

Organization.

9. Whenever one thousand shares of the capital stock of the company shall have been subscribed for, and ten per cent. of each subscription actually paid, a general meeting shall be held in the city of Wheeling, and said company may be organized by the election of nine directors—ten days' notice of such meeting having been given in some newspaper printed in the city of Wheeling.

Election of directors.

Notice

10. The business and affairs of said company shall be under the control and management of a board of directors, the majority of whom shall constitute a quorum for the transaction of business. The said board shall consist of nine directors, to be annually elected, and to hold their office till their successors are elected. The said directors shall elect a president from their own number.

Business of company; how managed.

Board elected annually.

President; how elected.

11. The city of Wheeling or any stockholder shall have the right to present violations of this charter and enforce its provisions by injunction or other appropriate remedy.

Violations of charter.

12. The said company is hereby empowered and authorized to borrow money for the purpose of constructing its road, branches, bridges, shops, &c., upon such terms, times and rates of interest as said company may deem proper, and to issue its bonds under its seal therefor, and for the purpose of securing the payment of the principal and interest of its bonds, as issued, to their tenor and effect. It may execute and acknowledge for record a proper deed of trust upon all its property, including this charter. Said bonds may, by resolution of the board of directors of said company, be made convertible into the stock of the company.

May borrow money, issue bonds and execute deeds of trust.

Bonds convertible.

13. The council of the city of Wheeling may subscribe, in the name and on behalf of the said city, to the capital of said company, to an amount not exceeding five hundred thousand dollars, and may pay for its subscriptions in the bonds of the said city or otherwise; Provided, that before any such subscriptions shall be made, the maximum amount thereof shall be proposed, and the question whether such subscription shall be made or not, shall be submitted under suitable regulations, to be prescribed by the council of said city, to a vote of the persons authorized to vote for members of the council of said city, and unless three-fifths of the votes cast shall be in favor of making such subscription, the same shall not be made.

Council of city of Wheeling may subscribe to capital stock in bonds.

Proviso.

14. The county of Ohio is hereby authorized and empowered to subscribe to the capital stock of said company, to an amount not exceeding three hundred thousand dollars, and to pay for its subscription in its bonds or otherwise; Provided, that no such subscription shall be made

County of Ohio may subscribe to capital stock in bonds or otherwise.

Proviso.

for or on behalf of said company, until the maximum amount shall be proposed, and the question whether such subscription shall be made or not, shall be submitted, under suitable regulations, to be prescribed by the board of supervisors of said county, (or such officers or board of officers as shall then have the management of the affairs of said county,) to vote in said county for members of the legislature of this state; and unless three-fifths of the votes cast shall be in favor of a subscription, the same shall not be made.

City of Wheeling and county of Ohio authorized to issue coupon bonds.

15. If the said city of Wheeling and said county of Ohio, or either of them, shall make any such subscription, the said city and county are hereby severally authorized and empowered to issue coupon bonds to an amount sufficient to pay for its subscription, payable at such time and place, and at such rate of interest, not exceeding seven per cent., as the council of said city or the proper officers of said county shall direct; and to secure the payment of the principal and interest of the bonds issued, the said city or county may cause to be executed in its name and on its behalf a proper deed of trust on its respective stock in said company.

And execute a proper deed of trust.

Who may subscribe for, convey and hold stock.

16. Any and all persons and corporations may subscribe for, own, hold and convey stock in said company, which shall be held as personal estate, transferrable on the books of the company; and its general office of business is hereby established in the city of Wheeling. 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 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 the stockholders according to their interests.

Principal office.

Act amendable.

Rights of creditors.

Of stockholders.

CHAPTER XXXV.

An Act establishing the Burning Springs Independent school district.

Passed February 15, 1872.

Be it enacted by the Legislature of West Virginia :

1. The town of Burning Springs and school districts Nos. 4 and 5, in the township of Burning Springs, in the county of Wirt, as now bounded and designated, shall constitute one school district, and the board of education shall consist of three commissioners, who shall be elected by the resident voters of said district, and have exclusive control of all schools therein.

How district constituted.

Board of education; their election.

2. The property, real and personal, within the said districts, now vested in the board of education of Burning Springs township, shall by this act vest in the board of education of the district of Burning Springs, which board shall have the same rights, and shall exercise the same powers, perform the same duties, and be governed by the same laws that boards of education of townships are, except so far as may be otherwise provided in this act. Whenever the word "township" occurs in the school law, it shall be construed to mean "school district," whenever necessary to give effect to this act. The levy for schools and building purposes made in the said township of Burning Springs for the year 1871, shall be collected and disbursed in the same manner as if this act had not been passed; and any debt or liability incurred by the board of education of the township of Burning Springs, for school property, real or personal, within the said district of Burning Springs, which shall not be liquidated by levies made prior to the passage of this act, shall be borne equitably by the district of Burning Springs and the township of Burning Springs, in the proportion that the taxable property of the said district and township bear to each other.

Property vested in board.

Rights and powers of board.

Meaning of "township."

Levy of 1871 not affected by this act.

Debts and liabilities to be borne equitably.

3. The board of education, herein provided for, shall be a corporation by the name of District of Burning Springs, and by that name may sue and be sued, implead and be impleaded, purchase, hold and grant. es-

Board incorporated.

Further rights and powers.

tates, personal and real, make ordinances, by-laws and regulations, not inconsistent with the constitution and laws of this State, for the government of all persons and things under its authority and the proper conducting of its affairs.

- Election of commissioners and treasurer.** 4. The qualified voters of the said school district of Burning Springs shall, on the second Thursday of April next, elect three commissioners and one treasurer, who shall qualify, and the treasurer give bond for the faithful performance of his duties in such penalty as the board of education of said district shall order. W. W. Thomason, Alexander Monroe and L. D. Wheaton shall conduct said election, and the annual elections thereafter shall be conducted by three voters of said district, selected by the board of education thereof.
- Bond of treasurer.**
- Commissioners of election.**
- How future elections conducted.**
- Official term.** 5. The official term of the commissioners to be elected under this act shall commence on the first day of May next succeeding the time of their election; and the one receiving the highest number of votes at the first election shall hold his office for three years; the one who receives the next highest number of votes shall hold his office for two years; the other shall hold his office for one year; but those who receive an equal number of votes, shall, if elected, determine their respective terms of office by lot.
- Tie vote.** And annually from the time of the election there shall be one commissioner and a treasurer elected, which commissioner shall hold his office for three years. Vacancies in the office of commissioner or treasurer shall be filled in the manner prescribed by law for township boards of education. The provisions of the general school law in relation to the appointment of trustees, shall not apply to the district of Burning Springs.
- Annual election.**
- Vacancies; how filled.**
- General school law not to apply to trustees.**
- Election of president and clerk; their duties.** 6. The board of education of said district shall, at their first meeting, or as soon after as may be practicable, elect one of their number president, and appoint a clerk, who shall perform all the duties to be performed by the president and clerk of a township board of education, which may not be inconsistent with this act.
- Primary schools** 7. The board of education of said district shall have power to establish an adequate number of primary schools

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

High school.

Branches taught

Admission of non-residents.

8. The said board may hold as many stated meetings as they shall deem necessary, and it shall be their duty, annually, on the first Monday in May to ascertain as near as practicable the amount of money necessary, in addition to all other available funds which ought to be expended for school purposes in said district during the succeeding year, for which amount said board shall levy a tax upon the property included in said district, and the residents thereof, and collect the same, and a lien shall exist on the real estate taxable in said district for all taxes levied thereon. The treasurer shall be the collector of all said taxes levied therein, and shall receive from the state treasurer its quota of the state school fund, and the said board shall carry into effect the provisions of this act in the same manner as other school taxes collected under the provisions of the general school laws of this State.

Meetings of board.

Assessment for school purposes.

Lien.

Treasurer to collect.

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

Rate of taxation

For what purposes taxes to be used.

10. The board of education of said district shall annually levy such tax on the taxable property of said district as will, with the money secured from the state for the support of the schools therein, be sufficient to keep said schools in operation for at least eight months in the year.

Schools to continue eight months.

CHAPTER XXXVI.

An Act to prevent hogs running at large in Warren township, Upshur county.

Passed February 14, 1872.

Be it enacted by the Legislature of West Virginia:

Hogs not to run at large.

That it shall be unlawful for the owners of hogs to permit the same to run at large on the public highways in Warren township, in the county of Upshur.

How dealt with.

Any hog so found running at large may be regarded and dealt with as an estray, according to the provisions of chapter sixty-one of the Code of West Virginia.

CHAPTER XXXVII.

An Act to confirm an order of the supervisors of the county of Harrison concerning the Parkersburg Coal Company.

Passed February 14, 1872.

Preamble.

WHEREAS, by an order of the supervisors of the county of Harrison made on the eleventh of September, 1871, leave was given to the "Parkersburg Coal Company" to cross the Northwestern turnpike road on the farm of Benjamin Wilson, near Wilsonburg, in said county, with their inclined plane, in the manner and subject to the conditions therein expressed; and,

WHEREAS, a doubt arises whether the grant of such privilege by the said supervisors is valid without the sanction of the legislature; therefore,

Be it enacted by the Legislature of West Virginia:

Order confirmed

That the said order of the said supervisors be and the same is hereby ratified and enforced, and that the said company shall be authorized to construct their inclined plane required for their works across the said Northwestern road in the manner described in said order; Provided, however, that said plane shall be so constructed that the trestlework thereof shall be not less than fifteen feet above the surface of said road, and that the timbers of

Authority to construct inclined plane.

proviso.

said trestle-work shall not be placed on the bed of said road, or the material used in macadamizing the same, and shall not in any other manner obstruct the travel upon said road or the free use thereof by the public.

CHAPTER XXXVIII.

An Act to authorize the trustees of the Southern Methodist Church in the town of Mannington to sell and convey, in part or all, their church property in said town.

Passed February 14, 1872.

Be it enacted by the Legislature of West Virginia:

That the trustees of the Southern Methodist Church in the town of Mannington, in the county of Marion, be hereby authorized to sell and convey all or a part of the property of the said church in the aforesaid town of Mannington; Provided, that all of said trustees shall be in favor of such sale and conveyance.

CHAPTER XXIX.

An Act authorizing the payment to Jacob Eversole, of Berkeley county, of a sum of money expended by him in support of a lunatic.

Passed February 15, 1872.

Be it enacted by the Legislature of West Virginia:

That the auditor of public accounts be, and he is hereby instructed to draw a warrant upon the treasurer in favor of Jacob Eversole, of the county of Berkeley, for the sum of one hundred and eighty-six dollars and eighty-five cents, expended by him in the maintenance of the late Rev. Christian Eversole, a deceased lunatic without personal estate, who could not be admitted into the state lunatic asylum, at Weston, because of there then being no vacancy in that asylum.

CHAPTER XL.

An Act authorizing the extension of the corporate limits of the town of Martinsburg.

Passed Feb. 15, 1872.

Be it enacted by the Legislature of West Virginia.

Authority to extend corporate limits.

1. That it shall be lawful for the council of Martinsburg, from time to time, to provide by ordinance, for the extension of the corporate limits of the said town, to any boundaries not exceeding the present boundaries of the township of Martinsburg, in Berkeley county, and including such portions of the township of Opequon, as are contiguous to the present limits of said town; Provided, that no part of the township of Opequon lying more than half a mile from the line dividing that township and the township of Martinsburg, shall be included in the same extension.

Proviso.

How established and made permanent.

2. Before any extension of the corporate limits of the said town shall become permanent and established under the provisions of the foregoing section, the ordinance providing therefor shall be published for four weeks, in the several newspapers of the said town, and shall distinctly set forth the boundaries to which the corporate limits of the town may be proposed to be extended, and fix a day at least four weeks subsequent to the first publication of such ordinance, upon which the sense of the qualified voters of the town of Martinsburg, and the contiguous territory proposed to be included within the corporate limits, shall be taken upon the said proposed extension. And for that purpose, the council of the said town, shall cause an election to be held at the court house in the said town, on the day so designated, under the superintendence of five commissioners, two of whom shall be residents of the territory proposed to be embraced in said extension.

Who may vote.

Election and superintendency of same.

Vote by ballot.

What ballot must show.

Result of election certified.

3. In the said elections there shall be deposited in a ballot box the ballots of all the qualified voters mentioned in the preceding section, who may desire to vote; and every ballot so deposited shall contain the words, "for extension," or "against extension," and the results of said elections shall be certified by said commissioners to the council; and if it shall appear from the certificate of the

said commissioners that a majority of the votes cast at such election were "for extension," then the ordinance so extending the limits of said town shall have full force and effect, and, thereafter, the corporation of Martinsburg shall extend to such boundaries, and include such persons and territory as shall be designated therein; but if a majority of the votes cast shall be "against extension," then such ordinance shall be void and of no effect.

Majority of votes cast necessary to extend corporate limits.

4. Whenever the corporate limits of said town shall be extended by virtue of the provisions of an ordinance, and the approval of the qualified voters concerned, as provided for in this act, then the territory embraced in such extension shall, in regard to persons and property, be upon an equal footing, in all respects with all other persons and property within the corporate limits of the said town, and shall be entitled to all the benefits and subject to all the provisions of its charter and by-laws.

Persons and property included in the extension placed upon an equal footing with other persons and property.

5. Whenever the corporate limits of the said town shall be extended, under the authority of this act, the council shall without delay, cause a plat and survey to be made of the town, as extended, and have the same recorded in its own minute book or journal, and in the office of the recorder of Berkeley county, and it shall further be lawful for the council to cause the territory so added to the corporate limits of said town to be included in any of the existing wards, or to establish additional wards, to embrace the said territory, and for the purpose of equalizing the wards of the said town, the council is hereby authorized to alter, add to the number of, and re-arrange all the wards as now constructed: Provided, That the whole number of members of the council shall at no time consist of more than two members from each ward.

Duties of council.

Further duties.

Provis. o.

CHAPTER XII.

An Act granting to the Brooke County Cemetery the ground adjoining the town of Wellsburg, and for other purposes.

Passed February 17, 1872.

It being represented to the Legislature of West Virginia, that the burial ground, or cemetery, adjoining the

Preamble and
recital of bound-
ary.

town of Wellsburg, in Brooke county, described as follows, to wit: Bounded on the north by the lands of the heirs of William Manser, deceased; on the east by the extension of Main street of said town of Wellsburg; on the south by Fleet street of said town, and on the west by the lands of Gould and Peirce, and Andrew Nelson; containing one acre, more or less, has been abandoned and neglected as a burial ground, and now is a waste and common. That many of those heretofore buried there, have been disinterred by their friends, and removed and re-interred in the cemetery belonging to the Brooke County Cemetery Company, and that said burial ground was conveyed to certain persons in trust for a burial ground, and that all of said trustees are now deceased. Therefore,

Be it enacted by the Legislature of West Virginia :

Brooke County
Cemetery Co.

Rights and dr-
tics conferred.

That it shall be lawful for the Brooke County Cemetery Company to take possession and control of said acre of land described as aforesaid, and to remove the remains of all persons interred in said parcel of ground, and re-inter said remains in the cemetery belonging to said cemetery company in proper and decent manner. And when said cemetery company shall have fully completed the removal of the dead as aforesaid, it shall be lawful for said cemetery company to lease or sell said parcel of land described as aforesaid, in such manner and on such terms as said company may deem best, for the use of said company. And for this purpose the title to the said acre of land shall be vested in said company, when it shall have removed the dead from the said parcel of ground as aforesaid.

CHAPTER XLII.

An Act to amend an act passed February 28, 1870, entitled "An act to incorporate the Valley River Land, Lumber and Boom Company;" and also an act amending and re-enacting sections three, four, five and eight of said last named act, by adding thereto additional sections, and granting additional privileges as to acquiring and selling lands and manufacturing.

Passed February 16, 1872. *

Be it enacted by the Legislature of West Virginia :

1. That the charter of the Valley River Land, Lumber and Boom Company is amended by additions thereto to read as follows : Charter amended.

2. It shall be lawful for said company to acquire, hold and sell land on the said Tygart's Valley river, or the waters thereof; Provided, The quantity so held by them at any one time shall not exceed thirty thousand acres. May acquire, hold and sell land. Provide.

3. In addition to the privileges hereinbefore and heretofore granted, it shall be lawful for said company to manufacture and sell iron and fire brick from material taken from their land. Additional privileges.

4. The said company is hereby authorized to increase its capital stock to one million of dollars. May increase capital stock.

5. As said river is navigable for rafting logs up to a point near and below Nuzum's mill, in the county of Marion, if any person other than said company shall put rafts and boats in said river at a point up to which the same is so navigable, they shall only pay to the said company for passing through their boom or booms below such point, the cost and expense necessarily incurred in so passing. Rates of toll.

6. The said company shall construct a boom across the said river at or near the town of Philippi, in the county of Barbour, and one at or near the town of Beverly, in the county of Randolph, and one across the Buckhannon river, a branch of the said Tygart's Valley river, at or near the town of Buckhannon, in the county of Upshur, Company to construct booms under certain contingencies.

whenever a railroad shall be constructed across either of said rivers, at or near either of said towns; and they shall construct a boom or booms at or near any or all of said towns, or at any other point on either of said rivers, whenever the market for lumber thereat, which cannot be obtained by rafting, shall create a manifest necessity for such boom or booms.

Jurisdiction of
circuit courts
of certain
counties.

7. The circuit courts of the several counties through which the said river and its branches pass, shall have jurisdiction by mandamus or other appropriate remedy, to enforce the provisions of the preceding section, and to regulate the rate of toll or boomage in their respective counties, as the judge of the circuit court of the county of Taylor was authorized by a previous act to regulate boomage or toll under this charter.

Commencement.

8. The said company may commence its corporate business under this act within one year.

CHAPTER XLIII.

An Act creating an independent school district
of the town of Sutton, county of Braxton.

Passed Feb. 16, 1872.

Be it enacted by the Legislature of West Virginia:

Boundaries of
district.

1. That the town of Sutton, Braxton county, West Virginia, and the suburbs contained within the following boundaries, to wit: beginning at the mouth of Wolf creek in Franklin township, running south-west, so as to include Beirne, Duffy and Co's lands, known as the "Kesner" tract, to the turn-pike road, thence in Lincoln township to the divide between Buffalo and Skidmore's run with same divide to G. F. Taylor's line, on the divide between Buffalo and Elk, thence with Taylor and McElwain's lines to the river, thence a line to the low gap on the divide between Elk and Otter, thence up the divide so as to include the lands of Joseph Dillons, McElwain's and Beirne, Duffy & Co's to Rush fork of Grannie's creek, thence a line to Laurel fork of same, so as to include the tract of

land where Jabez Dillion now lives, thence a line upon same to the turnpike road crossing same in Franklin township, to the top of the ridge near "Bowling Green," so as to include Wm. J. Baxter and Philip Troxell's farms, thence a line to Elk river, so as to include Benj. Huffman's farm, thence with the meanders of the river to the beginning, containing one school district. And the board of education of said district shall consist of three commissioners, who shall be elected by the resident voters of the district.

Board of education.

2. The qualified voters of the said school district shall on the second Saturday of April, 1872, elect three commissioners, who shall hold their office for one, two and three years, and their respective terms of office shall be determined by lot, and shall annually thereafter at the election, to be held for mayor and town council, elect one commissioner, who shall hold his office for three years, and the town council of the "Town of Sutton," shall appoint three voters to conduct the said election. The official term of the commissioners elected under this act, shall commence within ten days after they are officially notified of their election, and shall continue in office until their successors are elected and qualified.

Election of commissioners.

Term of office.

Beginning of.

3. The board of education of said district shall be a corporation by the name of "the board of education of the town of Sutton," and by that name shall sue and be sued, plead and be impleaded, hold and grant estates, personal and real, when necessary, and make ordinances and by-laws, and regulations not inconsistent with the laws of this State, for the government of its affairs.

Board incorporated.

4. The property, real and personal, within said district, now vested in the boards of education of Franklin and Lincoln townships, shall by this act vest in the board of education of the town of Sutton, and said board shall have the same rights, exercise the same powers, perform the same duties, and be governed by the same laws, that boards of education of townships are, except so far as may be otherwise provided in this act, and whenever the word "township" occurs in the school laws of this State, it shall be construed to mean "school district," when necessary to give effect to this act. The said board shall at their first meeting, or as soon thereafter as may be practicable, elect

Rights and powers transferred.

Meaning of the word "township."

President and clerk of board. one of their number as president, another to act as clerk, who shall perform all the duties which are required to be performed by a president and clerk of a township board of education.

Primary schools and high school. 5. The said board of education, of said district, shall have power to establish an adequate number of primary schools, and a central high school in which may be taught all the branches of education usually taught in academies or colleges, and shall have power to admit pupils not resident of said district, on payment of such rates of tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein, and for the examination that pupils must pass preparatory to schools of higher grades; and to purchase and condemn all necessary real estate for school house and college sites, and to receive by voluntary donation, or otherwise, all sums of money or books that may be donated to them for the purpose of this act.

Non-resident pupils.

Examination.

May purchase and condemn lands and receive donations.

Adjustment of accounts. 6. That it is the duty of the board of education of said district, after they are qualified as aforesaid, to issue notices signed by the president and clerk to the township board of education of Franklin and Lincoln townships, to meet at their office in said district for the purpose of a settlement, and the board of education of the "town of Sutton" shall assume the payment of their proportion of all indebtedness of said Franklin and Lincoln townships that has accrued to the passage of this act, and the said boards of education of Franklin and Lincoln townships shall pay over to said board of education of the "town of Sutton," their proportion of all money in hand, and shall account for all arrears and all monies unpaid that are justly due the various portions of school districts embraced in said independent school district, and shall account for all taxes uncollected up to the passage of this act.

Basis of settlement. The basis for said settlement shall be the ratio that the taxable property in said school district in the "town of Sutton" is to the remaining taxable property in said townships of Franklin and Lincoln.

Annual meeting 7. The annual meeting of the said board shall be on the first Monday in June, and they may hold such other

meetings as they may think necessary for the transaction of business. It shall be the duty of said board at their first annual meeting, and annually thereafter to determine as near as possible the amount of money necessary, in addition to all other available funds which ought to be expended in said school district during the succeeding school year, for which amount the said board shall levy a tax on property in said district, real and personal, and collect the same, sufficient to run a school six months in the year, and may by consent of the voters levy a tax to continue said school ten months in the year; Provided, however, said tax shall not exceed sixty cents on the one hundred dollars valuation for any one year, for both school and building purposes without the consent of the voters of said district, which shall be ascertained in the following manner:

8. If the board shall be of the opinion that the circumstances will justify a larger levy than sixty cents upon the one hundred dollars valuation, they shall call a school meeting of the voters of the district, by giving not less than ten days, notice of the time, place and object of the meeting, which notice shall be posted in five public places in the district, and upon the front door of the court-house, and a majority of the voters present and voting at said meeting, shall determine the amount which shall be levied over and above the sixty cents upon the one hundred dollars valuation. All taxes under this act shall be collected by the sheriff, and accounted for to the said board upon drafts drawn on the sheriff, signed by the president and countersigned by the clerk of the said board.

9. The board of education of said district shall perform all duties heretofore transacted by trustees.

CHAPTER XLIV.

An Act to authorize the trustees of the Belington, Barbour county, Presbyterian church, to sell the same.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the trustees of the Presbyterian church at Belington, in the county of Barbour, be, and are hereby authorized to sell and convey their church property.

CHAPTER XLV.

An Act authorizing the Trustees of the M. E. Church South, in Parkersburg Township, Wood county, to sell and convey their church property.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to
sell and convey.

1. The trustees of the Methodist Episcopal Church South, in Parkersburg township, Wood county, in this State, are hereby authorized to sell and convey their church property, known as Snakesville church in said township, in said county, and now used as a school house.

CHAPTER XLVI.

An Act authorizing the Board of Supervisors of Brooke county to refund W. K. Pendleton, of said county, certain taxes erroneously assessed and collected.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Taxes refunded

1. That it shall be lawful for the supervisors of the county of Brooke to hear and determine any question connected with erroneous assessment and collection of taxes for the years 1868, 1869, 1870 and 1871, from W. K. Pendleton, on his gas stock. And should it be found that he has twice paid the tax assessed thereon for any one year, then the said board may make such corrections as said board could have made had his said application been made as required now by law, and such correction shall have the same effect as though it had been made within the time now prescribed by law before said board.

CHAPTER XLVII.

An Act authorizing the Trustees of the M. E. Church, South, Harris Township, Wood county, West Virginia, to sell and convey their church property.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the trustees of the Methodist Episcopal Church, South, in Harris township, in Wood county, West Virginia, are hereby authorized to sell and convey their church property, known as Baylas Chapel, situated in said township, on Pond Creek. Authority to sell.

CHAPTER XLVIII.

An Act to amend and re-enact sections one and two, and to repeal sections three, four, five and six, of chapter seventy of the Code of West Virginia.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

That sections one, and two, of chapter seventy of the Code of West Virginia are hereby amended and re-enacted so as to read as follows: Sections amended.

“1. Any alien, not an enemy, may inherit or purchase and hold real estate, as if he were a citizen of this State. Allens may inherit, purchase and hold real estate.

“2. Any such alien may convey or devise any real estate so held by him, and if he die intestate it shall descend to his heirs ; and any such alienee, devisee, or heir, whether a citizen or an alien, may take under such alienation, devise or descent.” May convey, devise and take under the laws of descent.

Sections three, four, five and six, of chapter seventy of the Code of West Virginia, are hereby repealed. Sections repealed.

CHAPTER XLIX.

An Act to regulate the sale of intoxicating liquors and granting relief to those injured by the effects of the giving or selling of the same, within the county of Hancock.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Liquor licenses regulated.

1. No State license shall be issued to any person, authorizing them to sell, offer, or expose for sale, spirituous liquors, wine, porter, ale or beer, or any drinks of like nature, except for manufacturing or medicinal purposes, and all mixtures and preparations known as "bitters," or otherwise, which will produce intoxication, whether they are patented or not, shall be deemed spirituous liquors within the meaning of this act.

Meaning of the words "good faith."

2. The words "good faith," in the 7th line of section 4 chapter 32 of the code, shall be construed to mean that before any druggist shall sell spirituous liquors, for medicinal purposes, he shall have the written prescription of some regular physician therefor, or he shall, if a regular physician himself, have made examination of the person for whom said liquors are designed, and be satisfied that the same are necessary as a medicine.

Penalty for intoxication, &c.

3. Any person, or persons, obtaining any intoxicating liquors upon false representation, or any person being found intoxicated within the bounds of this county, shall be fined five dollars for each offense, and may be confined not exceeding ten days in the county jail.

Relief granted to those injured.

4. Every wife, child, parent, guardian, husband, or other person who shall be injured in person, property, means of support, or otherwise, by any intoxicated person, or by reason of the intoxication of any person, shall have a right of action in his or her own name against any person, or persons, who shall by selling or giving away any intoxicating liquor, or otherwise have caused or contributed to the intoxication of such person or persons, and in any such action the plaintiff shall have a right to recover actual and exemplary damages. And the owner or lessee, or person, or persons, renting or leasing any building or premises,

Owners of leased premises liable severally and jointly.

having knowledge that intoxicating liquors are to be sold therein, shall be liable severally or jointly, with the person selling or giving intoxicating liquors aforesaid, and the amount recovered by any guardian shall be distributed to his or her wards, in the proportion provided by law for the distribution of person's estates left by any person dying intestate.

Amount recovered; how distributed.

5. If any person by himself, his clerk or agent, shall directly or indirectly sell or keep for sale, or shall give away (without license) any such liquors, he shall forfeit and pay on the first conviction twenty dollars and shall be committed to the county jail not exceeding twenty days, or until the same be paid; on the second conviction he shall forfeit and pay fifty dollars, and be imprisoned not exceeding thirty days in the county jail, or until the same be paid; on the third and every subsequent conviction, he shall forfeit and pay one hundred dollars, and be imprisoned in the county jail for three months.

Penalty for selling without license.

6. All laws which may be inconsistent with this act are hereby repealed, (as applicable to Hancock county, and the provisions of this act shall apply only to the county of Hancock.)

Inconsistent laws repealed.

Act; where applicable.

CHAPTER L.

An Act to amend and re-enact the 1st section of an act entitled an act to provide Free Schools for the town of Moundsville.

Passed February 16, 1872:

Be it enacted by the Legislature of West Virginia :

That section one, chapter eighty, of the acts of 1867, is hereby amended and re-enacted to read as follows :

Section amended.

1. The town of Moundsville and all parts of the school district connected therewith shall constitute but one school district, and the board of education thereof shall consist of three commissioners, who shall be resident freeholders of the district, elected by the qualified voters thereof, in

School district.

Board of education.

conformity with the provisions of the second section of an act for the establishment of a system of free schools, passed February 26, 1866. The official term of all commissioners elected under this act shall commence on the 1st day of July next succeeding the time of their election.

Official term.

Annual election.

Hereafter the time for holding elections for commissioners in the independent school district of Moundsville, shall be held on the 4th Thursday of May next, and annually thereafter, at the regular places of voting, under the supervision of the sergeant and his deputies of said town of Moundsville.

CHAPTER LI.

An Act to provide for the payment of a claim to Dr. Jno. C. Hupp, late State Vaccine Agent.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Appropriation made.

The sum of one hundred and fifty dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay Dr. Jno. C. Hupp, for his services as State Vaccine Agent, from the 1st of March, 1870, to the 28th day of February, 1871.

CHAPTER LII.

An Act to provide Free Schools for the district of Spencer, in the county of Roane.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

District towns.

1. The town of Spencer and the suburbs thereof, contained within the following boundaries, to wit: Beginning with and including the farm of Jesse Tanner, thence to and including the land of B. D. Williams, thence to and including the lands of L. D. Simmons, thence to and including the land of Mrs. Sarah Mullen, thence to and in-

cluding the land of Mrs. N. A. Kidd, thence to and including the lands of Wm. R. Goff, thence to and including the lands of Miss Alice Smith, thence to and including the land of Wm. Petty, thence to and including the land of J. H. Riley, thence to and including the land of Isaac McKown, thence to and including the land of Wm. R. Goff, thence to and including the lands of C. C. Smith, thence to and including the lands of H. W. Goff and Mrs. Mary Pool, thence to and including the lands of Wm. R. Goff to the place of beginning; shall constitute one school district, to be known as the Spencer Independent School District; and the board of education thereof shall consist of three commissioners who shall be elected by the resident voters of the district, and have exclusive control of all schools within the same.

2. The property, real and personal, within the said district, now vested in the board of education of Spencer township, shall by this act vest in the board of education of the Spencer independent school district, which board shall have the same rights and shall exercise the same powers, perform the same duties and be governed by the same laws that boards of education of townships and trustees of school districts are; except so far as may be otherwise provided in this act. Where the word "township" occurs in the general school law, it shall be construed to mean "school district," when necessary to give effect to this act. The levy for school and building purposes made in said township of Spencer for the year 1871, shall be collected and disbursed in the same manner as if this act had not been passed; and any debt or liability incurred by the board of education of the township of Spencer for school property within the said district, which shall not be liquidated by levies made prior to the passage of this act, shall be borne rateably by the Spencer independent school district and the township of Spencer in proportion that the taxable property of said district and townships are to each other.

3. The board of education herein provided for, shall be a corporation by the name of "the Board of Education of Spencer Independent School District," and by that name may sue and be sued, purchase and hold property, personal

Board of education.

Property vested in board.

Powers and duties of board.

Meaning of word "township."

Levy of 1871; how disbursed.

Debts and liabilities to be borne rateably.

Board incorporated.

Powers of corporation.

and real, make by-laws and regulations not inconsistent with the laws of this State, for the government of its affairs.

Election of commissioners.

4. The qualified voters of the said district shall on the third Monday in March next, elect three commissioners, whose official term shall commence on the first day of May next succeeding the time of their election, and the one receiving 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 other shall hold his office for one year; but those who receive an equal number shall, if elected, determine their respective term of office by lot; and annually on the third Monday of March there shall one commissioner be elected who shall hold his office for three years. Vacancies in the office of commissioner, shall be filled in the manner prescribed by law for township boards of education. The annual election shall be conducted by the president of the board of education of said district and two voters of said district. The first election herein provided for shall be conducted by the mayor of the town of Spencer, and two voters of said district.

Terms of office.

How determined

Annual election.

Conductors of election.

Election of president and secretary; their duties.

5. The board of education of said district shall at their first meeting after the annual election, elect one of their number president, and appoint a secretary who shall perform all the duties required to be performed by the president and secretary of a township board of education, which may not be inconsistent with this act.

Primary schools and high school.

6. The board of education of said district shall have power to establish an adequate number of primary schools and a high school in said district, and shall have all the power and be liable to perform all the duties of the township boards of education and trustees of school districts that may be necessary to accomplish the purposes of this act, and shall have power to admit to said schools pupils not residents of said district, upon payment of such tuition as they may prescribe.

Non-resident pupils.

Meetings of board.

Annual levy.

7. The said board may hold as many stated meetings as they shall deem necessary, and it shall be their duty annually on the first Monday in July, or as soon thereafter as

practicable, to ascertain, as near as practicable, the amount of money necessary, in addition to all other available funds, to keep such schools in operation for at least six months in the year, for which amount said board shall levy a tax upon the taxable property in said district; and at the same time, the board shall ascertain, as near as practicable, the amount of money necessary for building purposes, for which amount said board shall levy a tax upon the taxable property in said district, provided that the levy for school purposes shall not exceed sixty cents on the hundred dollars, and for building purposes not exceed forty cents on the hundred dollars of the taxable property of the district. A lien shall exist on the said real estate, taxable in the said district for all the taxes levied thereon.

Lien for taxes.

8. It shall be the duty of the Secretary of said board, within twenty days after such levies are made, to certify the per cent. levied to the assessor of the district in which said school district may lie, whose duty it shall be to extend the same on his books; and within twenty days after he delivers his books to the sheriff of the county, the said assessor shall certify to the secretary of said board the value of the taxable property, real and personal, within said school district, and the amount of levies for the same, and the secretary shall charge the sheriff with the amount of such levies.

Duties of secretary and assessor.

9. The sheriff of the county of Roane shall be treasurer of said district, and he and his sureties shall be liable for all funds of said district that may come into his hands; he shall pay all orders that may be drawn on him by said board, which are signed by the President and Secretary, if he has money in his hands applicable to the payment of the same, and if he fails to pay any such order presented to him for payment, properly endorsed, when he has funds applicable to the payment of the same, the party entitled to the benefit of such order may recover judgment against him and his sureties or any one or more of them for the amount thereof and interest thereon at the rate of twelve per centum per annum from the time of such presentation until payment, before any justice or court having jurisdiction. On motion after ten days' notice of such mo-

Sheriff to be treasurer.

His duties.

How proceeded against.

What may be presumed on trial.

Delinquent list.

tion, and at the the trial of such motion it shall be presumed that after he has had the levies of said district for three months, that he has collected one-half thereof, and after he has had the same for six months that he has collected the whole amount thereof, except such delinquents as he may be entitled to, and in his return of delinquent taxes he shall designate such as may be in said district.

CHAPTER LIII.

An Act to amend an act entitled "an act to incorporate the Brooke County Cemetery Company," passed December 14th, 1857.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

That the fourth section of said act be amended so as to read as follows :

Management and control of estate, &c.

That the estate, property and affairs of said corporation shall be managed and controlled by a board of fifteen trustees to be chosen among the original incorporators, or those who may have become proprietors of lots in said cemetery, in which election each incorporator or lot owner shall be entitled to one vote.

Quorum.

That three of said trustees shall constitute a quorum capable of doing business.

Trustees and organization into classes.

The persons now constituting the board of directors shall be the first trustees, and shall as soon as may be after the passage of this act, organize themselves into three classes.

First class.

The first class so organized shall go out of office, and successors, being lot owners, be chosen on the first Monday in January, 1859; the second in like manner on the first Monday in January, 1860; and the third in like manner on the first Monday in January, 1861; and thenceforward annually one class in order shall go out of office, and successors, being lot owners, be chosen.

Second class.

Third class.

Rotation.

Members re-eligible.

The members of the several classes shall be re-eligible, and retain their stations until their successors are chosen.

Notice of such elections shall be given in one newspaper published in the county of Brooke, for at least fourteen days prior to holding the same.

Notice of election.

Each lot owner shall be entitled to one vote in person or by proxy; and the five persons being lot owners having a majority of all the votes at such election shall be declared duly elected trustees.

Who may vote.

The trustees shall elect from their number officers, one of whom shall be designated president, and a secretary, and a treasurer, who shall make a report of their proceedings and a statement of the finances at the annual meetings of the board, and as much oftener as a majority of the board shall require. The trustees of the said corporation shall hereafter be chosen from among the lot owners, and shall have the power to fill any vacancy in their number that may occur during the period for which they hold their offices.

Election of president, secretary and treasurer.

Their duties.

Trustees to be "lot owners."

Vacancies.

CHAPTER LIV.

An Act to give to the town of Ripley, in the county of Jackson, control of the Free Schools within its limits.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

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

Council to control common schools.

Independent district created.

2. The board of education of Mill Creek township is hereby authorized and required to turn over to the treasurer of the town of Ripley, without delay, all moneys and property belonging, or in any wise appertaining to the common school, embraced within the territorial limits of said town.

Money and property transferred.

3. The common council shall make such rules for the

Council to make rules. government of the schools under their jurisdiction as they may deem expedient or necessary for the advancement of pupils attending the same.

Powers of council.

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

Transfer of school property.

5. The school houses and lots on which to build school houses, now held by the board of education of Mill Creek township, included within the territorial limits of the town of Ripley, are hereby transferred to the municipal authorities of said town.

Jurisdiction forbidden.

6. The board of education of Mill Creek township shall have no jurisdiction over the schools of said town.

CHAPTER LV.

An Act to establish an Independent School District in the town of Grafton.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

School district established.

1. The town of Grafton as now bounded and designated, shall be and is hereby created an independent school district. The board of education of said district shall consist of three school commissioners, who shall have exclusive control of the schools within the same.

Board of education.

Board incorporated.

2. The board of education of the said district herein provided for and their successors, shall be a body corporate by the name of "The Board of Education of the town of

Grafton," and as such, may sue and be sued, plead and be impleaded, and shall be invested with the same rights and exercise the same powers, perform the same duties and be governed by the same laws as boards of education of townships are, except so far as may be otherwise provided in this act. Powers or corporation.

3. All the property, both real and personal, now vested in the board of education of Grafton township and being within the corporate limits of the town of Grafton, shall, by this act vest in the board of education of the town of Grafton. Transfer of property.

4. The qualified voters of the said district, shall, on the third Monday in March, 1872, elect three commissioners who shall hold their offices for the term of one, two and three years, respectively, from the first day of May, 1872, and their respective terms of office shall be determined by lot, and annually thereafter shall elect one commissioner whose term of office shall be three years. The said elections shall be held at the same place and time and be conducted by the same officers as the corporation elections of said town of Grafton. Election of commissioners. Terms of office.

5. The board of education of said district, shall, at their meeting, elect one of their number president and another clerk of said board, who shall perform all the duties which are required by law to be performed by a president and clerk of a township board of education. Election of president and clerk; their duties.

6. It shall be the duty of the said board of education at an annual meeting to be held on the first Monday in July, to determine the amount of money necessary, in addition to all other available funds, to be expended for school and building purposes in said district during the succeeding year, for which amount the said board of education shall levy a tax on all real estate and personal property in said district subject to State and county taxes, and a lien is hereby declared to exist on all the real estate in said district for all taxes levied thereon by said board for school and building purposes. Annual levy. Lien for taxes.

7. It shall be the duty of the said board of education of the town of Grafton to notify the board of education of Adjustment of accounts.

Grafton township to meet at the office of the clerk of the said township board of education on the second Saturday in May, 1872, or as soon thereafter as practicable, for the purpose of a settlement. The said board of education of the town of Grafton shall assume the payment of all the indebtedness of said township of Grafton incurred for the purchase of lots and the erection of buildings within said district. And said township board shall turn over to said board of education of the town of Grafton, its proportion of all money on hand, and shall account for all taxes uncollected up to the passage of this act. The proportion of money and taxes to be paid over and accounted for by said township board shall be ascertained by the ratio that the taxable property within said district bears to the remaining taxable property in said township.

Meaning of
word "town-
ship."

8. Wherever the word "township" occurs in the general school law, it shall be construed to mean "school district" whenever necessary to give effect to this act.

Commencement. 9. This act shall take effect from the date of its passage.

CHAPTER LVI.

An Act to incorporate the Cumberland and Patterson's Creek Turnpike Company.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Route of road.

That for the purpose of constructing a turnpike road upon the most eligible route from Daniels mill in the county of Mineral, to Patterson's Creek Valley, in said county, it shall be lawful to open books for receiving subscriptions for a sum not exceeding eight thousand dollars, in shares of twenty dollars each, for which purpose books of subscription may be opened under the superintendence of Capt. Roger Perry and Lloyd Lowndes, of Cumberland, Maryland, and Elijah Rinehart, Col. John Johnson, Jacob P. Daniels, F. R. Seymore, Okey Johnson, William D. Reese, Simon Umstock, E. G. Johnson and T. M. Davis,

Subscription
books.

Capital stock.

Commissioners.

of Mineral county, West Virginia, or any two of them at such times and places as they may deem advisable.

2. That when sixty shares of the aforesaid amount shall have been subscribed, the subscribers, their executors, administrators and assigns shall be; and they are hereby incorporated into a company by the name and style of the "Cumberland and Patterson Creek Turnpike Company," subject to the provisions of general laws, regulating the incorporation of turnpike companies.

Incorporation and style of company.

3. The board of supervisors of Mineral county may subscribe to the capital stock of said company, and in all meetings of stockholders two-thirds of the stock shall be represented in person or by proxy.

Subscription by Mineral county.

Representation.

CHAPTER LVII.

An Act for the relief of Edward Parrish of Marion county.

Passed February 16, 1872.

WHEREAS, The general assembly of Virginia by an act passed on the fifth day of March, 1858, directed that Edward Parrish be paid by the board of public works of Virginia, the sum of eleven hundred dollars out of the money that might be collected by said board from the B. & O. R. R. Co., in a suit then pending in the Circuit Court of Marion county upon a contract theretofore entered into between the said board and said railroad company in relation to the Maryland and Ohio turnpike road and providing that said sum should not be paid out of any other fund than that thereinbefore mentioned.

Preamble.

And, whereas, on the nineteenth day of March, 1867, the treasurer of this State received from the board of public works, the sum of thirty-nine hundred and forty-four dollars and eighty-one cents, being the net amount received by said board from the B. & O. R. R. Co., as the result of said suit, and thereupon, on the thirty-first day of March, 1867, there was paid to said Parrish, by direction of said board, the net sum of eleven hundred dollars only, leaving

a large sum of money, from the source aforesaid, still in the treasury; therefore,

Be it enacted by the Legislature of West Virginia :

Auditor authorized to ascertain the amount and to issue his warrant for interest found due.

That the Auditor be, and he is hereby authorized to ascertain the amount of interest due to said Parrish upon the aforesaid sum of eleven hundred dollars from date of its allowance by the general assembly of Virginia as aforesaid, up to the time of the payment of the principal, as aforesaid, and to draw his warrant upon the treasury of this State, payable to said Parrish for the amount so found to be due, out of any money in the treasury not otherwise appropriated.

CHAPTER LVIII.

An Act for the relief of A. W. Woodford, sheriff of Lewis county.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia.

Appropriation to re-imburse A. W. Woodford

1. That two hundred dollars be, and the same is hereby appropriated, payable out of any money in the treasury not otherwise appropriated, to pay A. W. Woodford, sheriff of Lewis county, and to re-imburse him for a reward offered and paid in January, 1871, for the arrest of Ezra M. Ours, charged with murder, and who was subsequently found guilty of murder in the first degree and sentenced to the penitentiary for life, by the circuit court of Upshur county. And the auditor is hereby directed to issue his warrant on the treasury therefor in the mode prescribed by law.

Auditor authorized to issue warrant.

CHAPTER LIX.

An Act authorizing an additional tax on the property in the Independent School District of Weston.

Passed February 16, 1872.

Be it enacted by the Legislature of West Virginia :

Additional tax authorized.

1. That the school commissioners of the independent school district of the town of Weston, be, and they are

hereby authorized to levy and collect a tax on the property, real and personal and mixed, and other subjects of taxation within said district, not exceeding the sum of sixty cents on every one hundred dollars in value. ^{Rate.}

All this tax may be levied in one year, or may be extended through a period of two years. ^{Period of levy.}

2. The taxes so collected are to be devoted exclusively to the construction of the school house building now being built in said district. And it is hereby declared that this tax is an additional tax on that authorized by existing law, which is not intended to be repealed or modified hereby. ^{Taxes appropriated. Existing law not repealed.}

3. The election of school commissioners for said independent school district shall be held at the same time the election of the town council of said town of Weston is to be held, instead of the time now authorized by law, and shall be conducted as now authorized by law. ^{Election of commissioners. Time changed.}

CHAPTER LX.

An Act to establish a branch Normal School at Glennville, in the county of Gilmer.

Passed February 19, 1872.

Be it enacted by the Legislature of West Virginia :

1. That a branch normal school be and the same is hereby established in the town of Glennville, in the county of Gilmer; Provided, that a suitable building for the purposes of such school be furnished by the citizens of the county, or others, without cost to the State. ^{Branch Normal School established. Proviso.}

2. The said branch normal school is hereby placed on the same footing and subject to the same regulations as the other branches of the State normal school; and as soon as the board of regents shall ascertain that a suitable building has been furnished, as aforesaid, they shall immediately proceed to organize and put said school in operation. ^{When to be organized.}

CHAPTER LXI.

An Act incorporating the Wheeling and Benwood Street Railway Company

Passed February 19, 1872.

Be it enacted by the Legislature of West Virginia :

- Corporators.** 1. That William L. Hearn, Alonzo Loring, Thomas Hughes, John Cowan, John Handland and their associates and successors, be and are hereby constituted a body corporate and politic, by the name and style of, "The Wheeling and Benwood Street Railway Company," and by that name may sue and be sued, plead and be impleaded, in all courts of record and elsewhere ; have a common seal to be altered by them at pleasure ; make by-laws not repugnant to the laws of this State or of the United States, for the management of their coporate concerns, and have and enjoy all the rights of a coporation under the laws now in force in this State.
- Incorporation.**
- Powers of coporation.**
- Capital stock.** 2. The capital stock of said company shall not be less than twenty-five 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 one hundred thousand dollars, and
- How stock voted** each share thereof shall entitle the holder to one vote in all meetings of the stockholders, to be given either in person or by proxy. And for the purpose of obtaining subscriptions to the capital stock or so much thereof as may be necessary for the lawful purposes of said coporation, books shall be opened under the direction of the persons named in the first section of this act, or a majority of them, at such time and place as the persons who act in that behalf shall deem expedient, and the president and directors of said coporation shall have the power and authority at any time after the organization of the same, 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 : Provided, however, that
- Subscription books.**
- Subscriptions after organization.**
- Proviso.** such additional subscriptions shall not be made until authorized by a majority vote of the stockholders in said coporation.

3. That the said corporation is hereby authorized and empowered to lay out and construct a railway of single track, and the necessary sidings and switches, which may commence at or in the town of Benwood in the county of Marshall, and may run north along or near to the bank of the Ohio river, to the south end of Third street, in the city of Wheeling, and up said Third street to a point near the intersection of the Baltimore and Ohio Railroad with the Citizens' street railway of Wheeling.

Authority to construct road.

Route.

4. If the said company shall not be able to contract with the owners of the land through which it may be necessary to construct the said railway, then in that case the said railway company shall have the right to condemn the lands necessary for such purpose, under and by virtue of the laws now in force, relative to the condemnation of lands for public use, as provided in chapter forty-two of the code.

Authority to condemn lands subject to code.

5. The said railway company shall have the right to run on its said road, carriages, drawn either by horses, or with an engine or locomotive, called a "dummy engine," as the board of directors may from time to time direct.

What carriages company may run on road.

6. The said company is hereby authorized to carry passengers, and carry and transfer baggage, parcels, and packages at such rates as may from time to time be fixed by the board of directors of said company.

Rates of toll.

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

Act amendable.

CHAPTER LXII.

An Act for the relief of William H. Edwards.

Passed February 19, 1872.

WHEREAS, It is represented to the Legislature that three tracts of land, one of 93,000 acres, granted to William Wilson, another of 12,300 acres granted to Benjamin Martin, and the third of 9,100 acres granted to Benjamin Martin, then in Kanawha county, and now

Preamble.

Preamble.

principally in Clay county, on Elk river, have been forfeited to the State on account of delinquency for taxes, and for failing to enter the same upon the books of the commissioner of the revenue in the counties in which said lands are situated; and,

WHEREAS, It is further represented that those lands now belong to William H. Edwards, who is desirous to pay the taxes charged, and such as ought to have been charged thereon, and have the title restored to him as it was before such forfeiture; and,

WHEREAS, It is provided by the sixth section of the ninth article of the constitution of this State "that the former owner of any tract of land in this State sold under the provisions of said article shall be entitled to receive the excess of the sum for which such tract may be sold over the taxes and damages charged and chargeable thereon, and the costs," by reason whereof the State, upon a sale of the lands aforesaid, would only receive so much of the proceeds thereof as is now proposed to be paid by the owners aforesaid; and the owner would receive the residue; and,

WHEREAS, The said William H. Edwards has applied to the legislature for relief in the premises; therefore,

Be it enacted by the Legislature of West Virginia:

Duty and power
of Auditor.

1. That it shall be the duty of the auditor of public accounts to ascertain the amount of taxes charged, and justly chargeable on each of said tracts of lands which still remains unpaid. For this purpose it shall be lawful for him to refer to the books of the commissioners of the revenue of the counties in which the lands are, or have been situated; the sheriff's delinquent lists; certificates of the auditor of public accounts of Virginia; receipts for taxes; and such other evidence as may be laid before him. Where any such lands have been omitted, he shall restore them to the books of the commissioners of the revenue, and shall ascertain their value by reference to the value of adjacent lands as charged on said books, and charge them accordingly.

Further preamble.

2. And whereas, it is further represented to the Legislature that the said William H. Edwards, in the year 1857,

being apprehensive that the said tract of 93,000 acres had been forfeited to the Commonwealth of Virginia for the non-payment of taxes, obtained new grants for all the lands embraced in said survey that had not been granted to third persons, and in the year 1858 these new grants were entered and charged with taxes, on the books of the commissioners of the revenue for the counties of Nicholas and Braxton, and the taxes thereon were paid for a number of years; and it not being the will of the legislature to duplicate the taxes charged on the same land, although the owner may claim the same under two distinct titles,

Be it, therefore, further enacted :

That the auditor in ascertaining the amount of taxes as aforesaid, shall omit the original tract from the time the new grants were charged, as aforesaid, and continue the charges upon the new grants, the more especially as the lands embraced in the new grants were charged at a higher aggregate value than those charged in the old grant.

Original tract; to be omitted from time the new grants were charged.

3. Be it further enacted, That when the said sums shall be ascertained by the auditor, as aforesaid, which shall be done as soon as practicable, the said William H. Edwards, his heirs or personal representatives, is hereby authorized to pay into the treasury of the state to the credit of the school fund, the taxes aforesaid, on all or either of said tracts; and upon each payment being made the auditor shall receipt the same, and such receipt shall operate as a conveyance of the title of the state acquired to the land or lands aforesaid, or the forfeiture aforesaid to him, the said William H. Edwards, or his heirs, and re-invest him, or them, with the title of the same. And the recording of said receipt in the recorder's office of the counties in which the land lies, shall have the same effect as the recording of a deed: Provided, however, that nothing in this act contained shall in any way effect the title or interest of any third person, who may have adverse claims of title to said lands or any part thereof, it being the intention of the legislature by this act to restore to the said William H. Edwards, or his heirs, the title only acquired by the forfeiture aforesaid, subject to all the rights of third persons.

Authority to pay taxes into treasury.

Auditor to receipt for same.

Receipt to operate as a conveyance.

Receipt to be recorded; effect of.

Proviso.

CHAPTER LXIII.

An Act to confer additional privileges on the Northern and Southern West Virginia Railroad Company.

Passed February 20, 1872.

Be it enacted by the Legislature of West Virginia:

Authority to borrow money, issue bonds and secure their payment.

That it shall be lawful for the Northern and Southern West Virginia Railroad Company, by its board of directors, to borrow money at a rate of interest not exceeding ten per centum per annum, to the amount of twelve millions of dollars, and to issue bonds therefor; and to sell the said bonds at the best price that can be obtained therefor; and to secure the payment of such bonds by mortgage on or deed of trust, to be executed by the president of its board, by order of the board of directors, upon its franchises and its real and personal property, including its road, running stock, equipments, authorized branches, income, and things, and make preference of such bonds, to certify the same, fixing the order of preference before issuing the same, and said company may authorize the conversions of said bonds or any part thereof, with the consent of any holder, of the same into stock of the company, and issue certificates of stock therefor, upon such terms as may be agreed upon between the company and such holder, and when so converted and the bonds so converted are canceled, the capital stock of the company shall be deemed to have been increased to the extent of such conversion.

Bonds convertible into stock, and stock increased.

Who may subscribe for stock.

2. That it shall be lawful for any persons and bodies corporate or politic, whatsoever, and whether in or out of this State, to subscribe for and hold any of the capital stock of said company; to purchase and hold any of the bonds of said company, or to guarantee or otherwise enter as security for the payment of any of the bonds of the company authorized to be issued by this act, and it shall be lawful for such persons and bodies corporate or politic, whether in or out of this State, to own and hold any of the bonds of the said company authorized to be issued by this act; and it shall be lawful for any other railroad company, whether in or out of this State, to construct, work and operate the road authorized to be constructed by "The Northern and Southern West Virginia Railroad Company"

Hold and own bonds and guarantee payment.

Any other company may construct road.

upon such terms as may be agreed upon between such other company and the said Northern and Southern West Virginia railroad company, but without any other powers, franchises and privileges, than may have been conferred upon the said Northern and Southern West Virginia railroad company.

3. It shall be lawful for any county, or township, or any county or city or incorporated town, in this state, to subscribe for and to own parts of the capital stock of said company, in the manner hereinafter prescribed; the board of supervisors of any county, acting for a county or township, or the council of any city or incorporated town, acting for such city or town, may submit the question of subscription to the capital stock of said company, to the voters of such county or township, or the voters of such city or town, to test the sense of the voters as to whether such county, township, city or town, desire to make such subscription. And such board of supervisors, or council of a city or town, shall have the power to fix the amount of such subscription to be voted for, and shall have power to fix the terms and conditions upon which such subscriptions may be made, and when the same shall be made, and shall have power to order a special election on the question, to fix the time of such special election and to provide for holding the same at the several places of voting in such county, township, city or town, after having posted at least five printed notices of such special election, with a copy of the ordinance directing such election, at the most prominent places in such county, township, city or incorporated town, and published for at least four weeks, in case of a county subscription, in all the county papers, if any be published in such county, stating the time of the election, the amount of the proposed subscription, the terms and conditions of the same, and when the same is to be made, for at least twenty days before such election, or they may order such election to be held at any general election in this state, after the notice as herein provided for has been given; such election shall be held at the places and conducted in the manner, and by the persons prescribed by law for general elections. Those voting for such proposed subscription shall have written or printed on their ballots the words "For Subscription," and those voting against it, the words

Subscriptions by counties, townships, cities and incorporated towns.

Question of subscription submitted to voters.

Powers of board of supervisors and council of city or town.

Special election.

Notice.

What notice must contain.

Election may be had at any general election.

What ballots must show.

Result of election; to whom certified.

If a majority of votes favor subscription, president of board of supervisors, mayor and recorder to issue bonds.

Rate of interest.

Taken in payment of taxes and other public debts.

How interest paid.

Sinking fund to pay principal.

Counties not prohibited from subscribing under the code.

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

“Against subscription.” The result of the election in a county or township, shall be certified to the board of supervisors of the county, and in the case of a city or town, to the council thereof. If a majority of votes of such county, township, city or town, as the case may be, voting on the question be for the proposed subscription, then the amount which was proposed shall be subscribed to the capital stock of said company on behalf of the county, township, city or town, so having voted for the same, upon the terms and conditions imposed by such ordinance, submitting the question to such vote. To pay for such subscription so made by a county, township, city or town, the president of the board of supervisors, acting for such county or township, and the mayor and recorder acting for such city or town, may issue bonds under their official signatures, in sums of one hundred dollars each, or some multiple of one hundred dollars, payable within twenty years, bearing not more than ten per centum interest payable annually, and such interest shall be taken in payment of taxes, and other public debts to such county, township, city or town; and the supervisors acting for a county, or township, shall assess and cause to be collected, as other taxes are collected, upon the real and personal property within such county or township subject to taxation for state purposes, taxes sufficient to pay the interest on such bonds, and to provide a sinking fund to discharge the principal of such bonds, when the same shall become due, and the council of such city or town, so subscribing, shall impose and collect in like manner, and upon like subjects, the necessary taxes for the payment of the interest, and to provide a sinking fund to discharge the principal of the bonds so issued, by such city or town. But nothing herein contained shall be so construed to prohibit any county from making a subscription of stock to said company, in the manner prescribed by the law of the code.

4. When the road or any branches of said company are located, if the owners of the land on which the same may be located, or their agents, and the officers and agents of said company cannot agree upon the value of such land, as the said company may deem necessary to use and occupy for their railway sidings, depots, warehouses and stations, the said company may have and hold such land

for its sole use and benefit, in the manner following, to-wit: The said company shall make out a particular description of such lands in writing, and file it in the clerk's office of the circuit court of the county in which such lands are situated, stating therein the sum they propose to pay therefor, and also file therein a bond with good security to the satisfaction of the judge of said court, conditioned to pay all that may be recovered against the company, as hereinafter provided, and thereupon the company may enter upon and take possession of such lands so described, and proceed at once to operate, work upon, and use the same for the purposes designated in such description, but in no case shall the amount of land for the tracks, either single or double, of said road or branches exceed sixty-six feet in width, except in cases of cuts and fills; and the owner of such land, or his agent, may file with the clerk of such court his or her claim therefor in money, in which shall be stated the sum he or she may demand for such 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 the court appoint for such purpose any person or persons through whose land said road is to pass, and the sheriff of the county, after such appointment is made by the court, shall summon the said viewers to meet on the land at such time as he may appoint, within sixty days after such appointment, 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 express, fix and determine the amount said company shall pay for said land, and return their report signed by them to the clerk of the circuit court of the county, setting forth the amount, if any, to be paid by the 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 a judgment to be entered on said report for the amount so ascertained by said report, if no exceptions be taken in writing 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, except the right is given to the company to object, and its objections sustained, to any juror who may be an

On filing description of land and bond in clerk's office.

Company may enter on lands.

Amount of land which may be taken.

Owner may file claim.

Jury of viewers.

Their meeting.

Notice.

Oath and report.

Report to be certified by sheriff.

Judgment on report.

Exceptions to report and trial thereof.

Right of company to challenge any juror.

owner of or interested in land over which said road will pass, and the cause shall be tried as any other cause in court, and the jury shall by their verdict ascertain what will be a just compensation for the land so taken and damages to the residue thereof, and thereupon a judgment shall be entered upon the verdict, unless a new trial be granted. The court shall have the power to determine which party shall pay the costs of the proceedings, if a greater compensation is allowed for said land by the jury than by the viewers. If they allow by their verdict the same compensation, or less, then the party filing the exceptions shall pay the cost of such proceedings. Nothing in this section contained shall be construed to deprive said company of the right to proceed otherwise to secure such right of way for the purposes aforesaid, as directed by the code.

Cost of proceedings.

Right of company to proceed otherwise not prohibited.

Peculiar advantages may offset damages.

5. In all questions between the owners of any land over which said road may be constructed, or any depot, sidings or stations erected by said company in considering all damages resulting from such work, the same may be, in whole, or in part, set off by any incidental advantages resulting to the residue of the property of such owner, from such work.

Counties through which road passes may assume payment of damages resulting to property.

6. It shall be lawful for any county through which said road may be located to undertake and assume the payment of such compensation for land taken for said road, to the owners in whole or part, and to assume and pay the damages resulting to owners of property so damaged, in whole or in part. Before any county shall so undertake, the question shall be submitted to the voters of such county, at such time, and in such manner, as the board of supervisors of the county may, by ordinance declare, and if a majority of the voters voting on the question vote for the proposition, then it shall be the duty of the board to levy and collect from time to time the necessary taxes upon the taxable property of the county to pay the same. But before the vote is taken, notices shall be posted at the several places of voting in the county, stating what is proposed, for at least twenty days before such election in the manner prescribed in section three of this act.

Question to be submitted to voters.

Notice.

7. Said company shall have power to construct that part.

of their road south from Charleston, so as to terminate the same either on the Kentucky line, or on that part of the line of the State of Virginia between the county of Tazewell of that state and the line of this state, or at both lines as herein indicated.

Company authorized to construct road south from Charleston to same point on Kentucky or Virginia line.

8. The Legislature reserves the right to amend or alter the charter at pleasure, so that justice may be done to all parties interested.

Act amendable.

CHAPTER LXIV.

An Act to re-enact and amend an act incorporating the Wirt County Boom and Lumber Company, passed February 10, 1871.

Passed February : 0, 1872.

Be it enacted by the Legislature of West Virginia:

That an act to incorporate the Wirt county Boom and Lumber company, passed Feb. 10, 1871, be re-enacted and amended as follows:

Act amended.

1. That William McCoy, Okey Johnson, D. H. Leonard, and C. T. Caldwell, their associates, successors and assigns, be and are hereby constituted a body corporate by the name and style of the Wirt county 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 such additional restrictions as may be imposed by this act; and the organization of said company, under said act, passed February 10, 1871, and all acts done by said company, under said act, are hereby legalized and made valid.

Corporators.

Incorporation.

Powers and privileges of company.

Acts legalized.

2. The capital stock of said company shall not be less than ninety thousand dollars, to be divided into shares of one hundred dollars each, and may at any time thereafter be increased by a vote of the stockholders to an amount not exceeding six hundred thousand dollars, and for the purpose of obtaining subscriptions to said capital stock or so much thereof as may be necessary for the lawful pur-

Capital stock.

Shares.

Increase of stock.

Subscription books.

poses of said corporation, books may 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.

Privilege of constructing within certain limits.

3. The said corporation shall have exclusive privilege of constructing and manufacturing a substantial boom or booms, with or without piers, across Reedy creek and Spring creek in Wirt county, at or within one mile of the mouth of said creeks, also across the West fork of the Little Kanawha river, at or within five miles of the mouth of the said West fork, for the purpose of stopping and securing boats, rafts, saw logs, and other lumber of value; and may erect shear booms on such streams, and may dredge and clear the channel of each of said streams, and the main branches thereof, and remove obstructions therefrom; and may build saw mills and manufacture, buy and sell lumber, and construct tram railways, subject to the provisions of the code.

Authority to build saw mills, manufacture, deal in lumber and build tram roads.

May hold lands, erect wharves and engage in mining.

4. The said corporation is authorized and empowered to purchase and hold lands, to sell and convey real estate, not exceeding thirty thousand acres, and to engage in mining and manufacturing, and to erect and maintain wharves on such streams subject to the provisions of the code, concerning places of deposit, sale and shipment.

Rates of toll and boomage.

5. Said corporation by reason of its compliance with this act, shall charge and collect tolls or boomage, not to exceed the rate of one dollar and fifty cents per thousand feet board measure, for all square timber, saw logs or boards, planks or other timber that may be floated, rafted or drifted into said boom or booms, and stopped and retained by said boom or booms, or by any logs or other timber in the same, at any point or place in said streams, or either of them. But such boom or booms shall be so constructed as to permit boats or rafts to pass them without unnecessary delay free of toll or boomage charges. The said corporation shall have a lien on all saw logs and other timber thus boomed, for the payment of all toll or boomage and other expenses until the same shall be paid.

Lien for toll and 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 shall appear to claim the same

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

How proceeds disposed of.

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

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

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

Measurement of timber.

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

Penalty for converting timber carried away by winds or currents.

Liability of company for damages.

10. Where the words logs or timber occur in this act

Meaning of the words "logs" and "timber."

they shall be taken to mean logs and timber of every kind and description, manufactured or unmanufactured.

Amendable but not to impair vested rights.

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

CHAPTER LXV.

An Act to incorporate the town of St. Marys, in the county of Pleasants.

Passed February 21, 1872.

Be it enacted by the Legislature of West Virginia :

Corporate limits

1. The corporate limits of the town of St. Marys shall be as follows : Beginning at the west corner of a lot belonging to G. W. Riggs, on the Ohio river, thence with the south line of said lot to the south corner thereof, same course to the public road, thence with said road to the west corner of a lot belonging to the heirs of Charles Donna, dec'd., and with the south line of said lot to the south corner thereof, thence a course through the lands of Edmund Riggs and Samuel Barkwell to the St. Marys branch of the Middle Island turnpike, (so as to include all the original plat of said town, as recorded in recorder's office of said county of Pleasants,) thence with said branch road and the lands of Silas Gallaher to the Ohio river, thence with the river to the beginning.

Municipal authorities.

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

Election.

Recorder and treasurer appointed.

Common council

Bond of sergeant and treasurer.

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

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 and corporate, by the name of the town of St. Marys, and shall have perpetual succession and a common seal, and by that name may sue and be sued, plead and be impleaded, may purchase and hold real estate and other property necessary to enable them the better to discharge their duties, and needful for the good order, government and welfare of said corporation.

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

Term of office.

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

Qualification for office.

8. The first election under this act shall be held on the first Monday in April, 1872, at the recorder's office of Pleasants county, in the town of St. Marys, under the supervision of a justice and inspector of elections of Washington 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.

First election.

Who to supervise election.

Annual election.

Certificate of election.

9. All male persons residing in said town who shall have paid the town taxes, if any assessed against them for the preceding year, shall be entitled to vote at all elections held in pursuance of this act, but a person who is a minor, or of unsound mind, or a pauper, or who is under conviction of treason, felony or bribery in any election, or who has not been a resident of this state for one year, and of the said town for six months next preceding the day of election, shall not be permitted to vote while such disability continues.

Who may vote

- Vote by ballot.** 10. At all elections the vote shall be given by ballot.
- Tie votes; how decided.** 11. Whenever two or more persons shall receive an equal number of votes for the same office, the persons under whose supervision the election 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; how filled.** 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.
- Oath of office.** 14. All the officers herein mentioned shall, each within ten days after receiving certificate of his election, or appointment, 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.** 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.
- Journal of 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 officer presiding for the time being; upon the call of any member, the ayes 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.
- Reading of proceedings.**
- Yeas and nays.**
- Presiding officer to vote only in case of a tie.**
- Powers of council.** 17. The council so constituted shall have power within said town to improve the streets, lay off alleys or walks, and to regulate the width of the same, and to keep them in order, to purchase and lay off public grounds, and to erect, provide for, and take care of public buildings; and they shall annually make appropriations of such sums of money as

as may be needed for the proper improvement of the same; ^{Powers of council.} to prevent injury or annoyance to the public, or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which in the opinion of the majority of the whole council shall be a nuisance; to regulate the keeping of gunpowder or other combustibles; to provide against danger or damage from fire 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, to prescribe the duties, fix the term of service and compensation of its appointees, require and take bonds with such sureties and in such penalties as it may determine, (not inconsistent with this act,) conditioned for the full and faithful performance of their duties, (all bonds to be payable to the town); to regulate and provide for the weighing of hay, coal and live stock sold by weight in said town; to give an additional license, and to require a tax where a previous tax has been granted by the State or county authorities only, for the sale of intoxicating drinks, or to prohibit the sale of the same in the town, and for the carrying on of any other business, and generally do such things for the prosperity, quiet and good order of the citizens of said town; to adopt and enforce all needful ordinances not contrary to the Constitution and laws of this State, and to impose fines and penalties not exceeding the payment of ten dollars or imprisonment for ten days under judgment and order of the Mayor, or in his absence or inability, of the person lawfully exercising his functions; the council, with the consent of the Board of Supervisors of Pleasants county entered of record, may use the jail of said county for its purposes.

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

Sergeant : his powers, duties, compensation and liabilities.

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

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 to the jail of Pleasants 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.

Treasurer ; his duties.

21. The treasurer shall have charge of all money belonging to said town, and shall pay the same out on the order 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 Pleasants county on account therefor, against them and their sureties respectively, or any or either of them, or their heirs or legal representatives.

How proceeded against.

Persons and property exempt from all taxes outside corporate limits.

22. The said town, and persons, and property therein shall be exempt from all tax, expense or liability for the construction or repair of roads or bridges, or poor tax,

outside of its corporate limits: ^{Provido.} Provided, however, that the said town shall keep its streets and alleys in good order, and provide for its poor.

23. When four of the newly elected members shall have ^{When new council take office.} been duly qualified they shall enter upon the duties of their said offices and supersede the former council.

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

25. The superintendent of roads, streets and alleys shall ^{Compensation of superintendent of streets.} 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.

26. No new street, alley or foot path (not heretofore ^{Lands not to be taken for streets except upon payment of damages.} 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.

27. Whenever the mayor and trustees of said town shall ^{Corporation to be void on failure to carry out charter.} 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, and provide for its poor, or shall fail in any other way to carry out the provisions of this act, then this act shall be null and void, and the property of the citizens of said town shall be liable to be assessed with county taxes for all purposes as well as road and poor tax.

28. This act shall at all times be subject to modification ^{Act amendable.} or repeal at the pleasure of the Legislature.

CHAPTER LXVI.

An Act to incorporate the town of Beckley, in the county of Raleigh.

Passed Feb. 20, 1872.

Be it enacted by the Legislature of West Virginia :

Town incorpo-
rated.

1. That the place known as "Beckley" in the county of Raleigh, be and the same is hereby made a town corporate and a body politic by the name of "The town of Beckley," and shall in all respects be subject to the provisions of chapter forty-seven of the code, entitled "of townships and villages."

Corporate limits

2. The corporate limits of said town shall be as follows : Beginning at a white oak stump, corner of E. Prince's survey of one hundred and twenty-nine and a half acres, and with his line north twenty-four degrees, west eighty poles to Manser's northeast corner, with his line north sixty-six degrees, west twenty-nine poles to his northwest corner, thence with E. Prince's one hundred and twenty-nine and a half acre survey north eighty-seven degrees, west twenty poles to a point on the turnpike opposite a chestnut tree, beginning corner of the town plat for E. Prince's five acre home lot, and with his line south eighty-eight east, thirty-seven and a half poles to a dead chestnut tree, the said E. Prince's corner, and with his line south twenty-four degrees, east twelve poles to George H. Prince's corner of two and a half acres, corner on a fallen white oak tree, and with the same, south sixty-six degrees, west twenty-eight poles to the beginning corner, a dog-wood tree, on John B. Beckley's line on brickyard road, then crossing the road with the same course of Joseph Hanna's line twenty-five poles to his corner, a stake, and with his line south two degrees and seventy-five poles to the Logan turnpike, and with the same south about fifty-seven degrees, west to corner of Judge Gillaspie's home inclosure, and with said inclosure around to big branch and to Beckley's corner, and thence with William Prince's line, formerly Haymaker's line, north sixty-six east, one hundred and fifty-five poles to the beginning.

CHAPTER LXVII.

An Act to authorize the city of Wheeling to subscribe to the capital stock of the Wheeling and Tuscarawas Valley Railroad Company.

Passed February 20, 1872.

Be it enacted by the Legislature of West Virginia :

§ 1. That the council of the city of Wheeling, in Ohio county, is authorized and empowered to subscribe in the name and on behalf of the said city, to the capital stock of the Wheeling and Tuscarawas Valley Railroad company, a corporation incorporated under the laws of the State of Ohio, having its eastern terminus at the city of Wheeling, to an amount not exceeding three hundred thousand dollars, on such terms as they may deem advisable, and may pay such subscription by issuing the bonds of said city, or otherwise, and may provide by taxation, or otherwise, for the redemption of such bonds and payment of interest on the same.

Authority to subscribe to capital stock.

Amount.

May issue bonds and provide for their payment.

2. Before making such subscription, the council of said city, shall cause a vote to be taken upon the question at the several places of voting in the said city, at any general, or special election ordered by them for that purpose, notice of which must be published in each newspaper published in said city for fifteen days at least, before the poll is taken, at which election all persons having the right to vote for mayor of said city shall be entitled to vote. The poll shall thereupon be taken and the result ascertained under the regulations prescribed for city elections. On the ballot used at the said polls there shall be written or printed thereon the words "For subscription," or "Against subscription." If it appear by the said poll, that not less than three-fifths of the voters of the city, who voted upon the question of the proposed subscription, are in favor of the same, the subscription may then be made to the amount proposed or any less amount.

Question of subscription to be submitted to a vote.

Notice.

Who may vote.

Result : how ascertained.

What the ballots must show.

Three-fifths vote required to authorize subscription.

3. The right to the stock subscribed for, in pursuance of the preceding sections, or any special act of the legislature hereafter passed, shall be vested in the said city of Wheeling, and the council thereof shall have authority from

Capital stock ; where vested.

How represented.

Dividends: how collected, and where paid.

time to time to appoint a proxy to represent the said stock in the meetings and elections to be held by the stockholders of the company. The dividends on such stock shall be collected, as the city council may order, and paid into the city treasury.

Before subscription company to give guarantee.

4. Before such subscription, authorized by this act shall be made, said railroad company shall give a guarantee to the council of said city, that it will construct its road into said city and make its eastern terminus, and have its depot grounds and buildings thereon, within the corporate limits of said city, east of the east channel of the Ohio river.

Council authorized to grant right of way.

5. The council of said city of Wheeling is authorized to grant to said railroad company the use of any of the streets and alleys or public grounds within said city for the track upon such terms and restrictions as it may prescribe.

CHAPTER LXVIII.

An Act to authorize the extension of the Shenandoah Valley Railroad through the counties of Monroe, Summers, Mercer and McDowell, and to provide for such extension, by empowering the boards of supervisors of said counties, to submit the question of a subscription to the capital stock of and for the condemnation of land for right of way for the Shenandoah Valley Railroad Company, by the said counties, or either of them, to the legal voters thereof; and also, to authorize any township, in either of said counties, or any municipal corporation within the same, to subscribe to said capital stock for the same purpose, and to confer additional privileges upon said company, to facilitate such extension.

Passed February 20, 1872.

Be it enacted by the Legislature of West Virginia:

Act of 1870,
made to apply
to the counties
of Monroe,

1. That the provisions of chapter thirty-nine, of the acts of 1870, authorizing the Shenandoah Valley Railroad company to construct their road through the State of West

Virginia, be made applicable to the counties of Monroe, Summers, Mercer and McDowell in this State, and 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 in the territory of Virginia in its original act of incorporation, and supplements thereto.

Summers, Mercer and McDowell.

Rights granted by West Va.

2. That the right is hereby granted said company to locate their said road, or any branch thereof, through the said counties, by the most practicable route that the board of directors may determine.

Right to locate road.

3. It shall be lawful for any county, township of any county, or any municipal corporation in this State, to subscribe for and to own parts of the capital stock of said company, in the manner hereinafter prescribed; the board of supervisors of any county acting for a county or township, or the council of any municipal corporation, acting for such municipal corporation, shall submit the question of subscription to the capital stock of said company to the voters of such county or township, or to the voters of such municipal corporation to test the sense of the voters as to whether such county, township or municipal corporation, desire to make such subscription. And such board of supervisors, or council of any municipal corporation, shall have power to fix the amount of such subscription to be voted for, and shall have power to fix the terms and conditions upon which such subscription may be made, and when the same shall be made, and shall have power to order a special election on the question, to fix the time of such special election, and to provide for holding the same at the several places of voting in such county, township or municipal corporation, after having posted written or printed notices of such special election with a copy of the ordinance directing such election, stating the time of the election, the amount of the proposed subscription, the terms and conditions of, and where the same is to be made, for at least thirty days before such election, and by publication of a like notice for three successive weeks in every newspaper, if any be published in every such township or municipal corporation, or they may order such county, election to be had at any general election in this State.

Subscriptions by counties, townships and corporations.

Question to be submitted to voters.

Who to fix amount and terms of subscription and time of election.

Place of voting. Notice.

What to contain

Must be published.

Election; where held and how conducted. Such elections shall be held at the places, and conducted in the manner and by the persons prescribed by law for general elections. Those voting for such proposed subscription, shall have written or printed on their ballots the words "for subscription," and those voting against it, the words "against subscription." The result of the election in a county or township shall be certified to the board of supervisors of the county, and in the case of a municipal corporation, to the council thereof. If a majority of the voters of such county, township or municipal corporation, as the case may be, voting on the question, be for the proposed subscription, then the amount which was proposed shall be subscribed to the capital stock of said company, on behalf of the county, township or municipal corporation, so having voted for the same, upon the terms and conditions imposed by such ordinance submitting the question to such vote. To pay for such subscription so made by a county, township or municipal corporation, the president and board of supervisors acting for such county or township, and the mayor and recorder acting for such municipal corporation, may issue bonds under their official signatures, in sums of one hundred dollars each, or some multiple of one hundred dollars, payable within twenty years, bearing not more than ten per centum interest, payable annually, and such interest shall be taken in payment of taxes and other public debts to such county, township or municipal corporation. and the supervisors acting for a county or township shall assess and cause to be collected as other taxes uncollected, upon the real and personal property within such county or township, subject to taxation for State purposes, taxes sufficient to pay the interest on such bonds, and to provide a sinking fund to discharge the principal of such bonds when the same shall become due; and the council of such municipal corporation, so subscribing, shall impose and collect in like manner, and upon like subjects, the necessary taxes for the payment of the interest, and to provide a sinking fund to discharge the principal of the bonds so issued by such municipal corporation; but nothing herein contained shall be so construed as to prohibit any county from making subscription of stock to said company, in the manner prescribed by the code of this State.

Ballots; how prepared.

Result; to whom certified.

Subscription valid if a majority vote for it

Authority to issue bonds.

When payable.

Interest to be taken in payment for taxes, &c.

How collected and paid.

Sinking fund to pay principal.

Subscriptions by county under code not prohibited.

4. When the said road, or any branches thereof are

located, if the owners of the land on which the same may be located, or their agents, and the officers and agents of said railroad company cannot agree upon the value of such land, as the said company may deem necessary to use and occupy for their railways, sidings, depots, shops, warehouses and stations, the said company may have and hold such land for its sole use and benefit in the following manner, to wit: The said company shall make out a particular description of such lands, in writing, and file it in the clerk's office of the circuit court of the county in which such lands are situated, stating therein the sum they propose to pay therefor, and also file therewith a bond, with good security, to be approved by the judge of said court, conditioned to pay all that may be recovered against the company, as hereinafter provided; and thereupon the company may enter upon and take possession of such lands so described, and proceed at once to operate, work upon, and use the same, for the purposes designated in such description; but in no case shall the amount of land for the tracks, either single or double, of said road, or branches, exceed sixty-six feet in width except in cases of cuts and fills; and the owner of such land, or his agent, may file with the clerk of such court, his, or her claim therefor, in which shall be stated the sum he, or she, may demand for such land, and the said court or the judges thereof, shall in vacation, or otherwise within twenty (20) days after the filing of such claim by either party, appoint five disinterested persons to act as commissioners, for the purpose of ascertaining a just compensation therefor, any three of whom may act; but in no case shall the court appoint, for such purpose, any person, or persons, through whose lands said road is to pass; and the sheriff of the county after such appointment is made by the court, shall summon the said commissions to meet on the land at such time as he may appoint within ten days after such appointment, giving five days, notice to the parties interested, and the sheriff shall administer an oath to the commissioners, which he is hereby authorized to do, that they, and each of them, will fairly, impartially and honestly ascertain what will be a just compensation to the person entitled thereto, for so much thereof as is proposed to be taken, and for damage to the residue of the tract, beyond the peculiar benefits to be derived in respect to such residue

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.

Owner may file claim.

Viewers.

Their meeting.

Oath.

Report. from the work to be constructed, and return their report, signed by them, or a majority of those acting, to the clerk of the circuit court of the county, setting forth the amount.

Sheriff to certify report. to be paid by the company, which report shall be certified by the sheriff, whereupon the said company shall pay into

Company to pay amount of award into court. court the amount of said commissioners' award. The said amount shall be deposited in some bank at the county seat of Jefferson county to the credit of Logan Osburn, Geo. W. Eichelberger and David Billmyer, their legal representatives, or successors appointed by the board of supervisors of said Jefferson county, or such other authority, as may hereafter have control of the internal affairs of said Jefferson county, and there remain until final adjudication and distribution, to be disposed of under the direction of

How disposed of the circuit court in the manner prescribed by the twenty-third section of chapter forty-two of the code of West Virginia, (and any and all reports and awards heretofore reported, returned, or given under any act or acts, of this state, heretofore passed, shall be, and are hereby annulled

Reports and awards annulled and set aside, so far as the same are applicable to said company,) and condemnation and report shall be made according to, and pursuant to the requirements of this act; and on the first day of the next term of the court, the judge thereof shall direct a judgment to be entered on

Judgment on report. said report, for the amount so ascertained by said report, if no exceptions be taken in writing, by either party, but

Exceptions to report and trial thereof. 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, except the right is given to the company to object, and its objections shall be sustained, to any juror who may be an owner of, or interested in land over which said road will pass, and the cause shall be tried as any other cause in court, and the jury shall ascertain and render a verdict for what will be a just compensation to the person entitled thereto, for so much thereof as is proposed to be taken, and for damages to the residue of the tract beyond the peculiar benefits to be derived, in respect to such residue, from the work to be constructed, and thereupon a judgment shall be entered upon the verdict, unless a new trial be granted. The court shall have the power to determine which party shall pay the costs of the proceedings, if a greater compensation is allowed for

Company may challenge any juror. said land by the jury than the commissioners.

Peculiar benefits offset to damages.

Cost of proceedings.

If they allow by their verdict the same compensation, or less, then the party filing the exceptions shall pay the costs of such proceedings. Nothing in this section contained shall be construed to deprive said company of the right to proceed otherwise to secure such right of way, for the purposes aforesaid, as directed by the code.

Authority to proceed otherwise as to right of way.

5. Said company shall have all rights, benefits and privileges, and be subject to all the restrictions provided for and declared in the code of West Virginia; but so much of said code, or any other act or acts, as may be inconsistent with any of the provisions of this act, shall be held not to apply to this company, but condemnation of land for right of way, shall be made as herein provided; but title in and to said land, shall not vest in fee in said company, until final adjudication shall be had as provided by this act, and no act, or acts, of this state, shall prevent, or deter, the said company from the prosecution of the work of construction of said railroad on, or through, any such lands as provided herein. The said company may issue bonds, in such form and manner, as provided by the code of West Virginia.

To have all the rights and be subject to restrictions provided in code.

Condemnation of land and title therein.

Authority to prosecute work.

May issue bonds

6. It shall be lawful for any persons, and bodies corporate or politic whatsoever, and whether in or out of this state, to subscribe for and hold any of the capital stock of said company; purchase and hold any of the bonds of said company, or to guarantee, or otherwise enter as security, for the payment of any of the bonds of the company, authorized to be issued by this act, and it shall be lawful for such persons and bodies corporate or politic, whether in or out of this state, to own and hold any of the bonds of the said company, authorized to be issued by this act, and it shall be lawful for any other railroad company, whether in or out of this state, to construct, work and operate the road authorized to be constructed by the Shenandoah valley railroad company, upon such terms as may be agreed upon between the such other company and the said Shenandoah valley railroad company, but without any other powers, franchises and privileges, than may have been conferred upon the said Shenandoah valley railroad company: Provided, that nothing herein shall be so construed as to prejudice the interest of the said county of Jefferson,

Who may subscribe for stock.

May hold bonds and guarantee their payment.

Any other company may operate and construct road.

Proviso.

- in the subscription, or stock of said Jefferson county to or of said company.

Act amendable.

Amendment not to affect vested rights of company, nor rights of creditors.

7. The legislature reserves the right to alter or amend this act, but such alteration or amendment shall not affect or impair any rights that may have become vested under the same, or the rights of its creditors 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 said corporation, distributed among themselves according to their respective interests.

Acts repealed.

8. All acts and parts of acts inconsistent with the provisions of this act, so far as the same may be held applicable to the Shenandoah valley railroad company, and no further, are hereby repealed.

CHAPTER LXIX.

An Act to exclude a specified period from the computation of the time within which certain suits, proceedings and appeals, may be brought, instituted and taken.

Passed February 21, 1872.

Be it enacted by the Legislature of West Virginia:

Computation of time in certain proceedings.

Period excluded

Affidavit of prima facie evidence.

1. That in computing the time within which any civil suit, proceeding or appeal, shall be brought, instituted or taken, or petition filed to have proceedings re-heard, by persons who could not truly make the affidavit prescribed by section 27 of chapter 106, of the Code of West Virginia; the period from the 28th day of February, 1865, to the passage of this act, shall be excluded from such computation. And, upon any proper issue, the affidavit of a party that he could not truly take such oath, shall be prima facie evidence thereof.

Defendant may make defence unless barred on 26th Feb., 1865.

Nothing herein contained shall be construed to prevent any defendant from making all proper defence, as in similar cases, without regard to any statute or rule of law imposing a limitation, unless such defence was barred on the twenty-eighth day of February, 1865.

CHAPTER LXX.

An Act making a conditional appropriation for the further construction of the Branch Normal School building at Fairmont.

Passed February 21, 1872.

Be it enacted by the Legislature of West Virginia :

1. The sum of five thousand dollars is hereby appropriated out of any moneys in the treasury, to be expended under the direction of the regents of the State normal school in the completion of normal school building at Fairmont, but no part of the sum hereby appropriated shall be drawn from the treasury, unless and until the board of education of the district of Fairmont shall pay into the treasury of the State the sum of five thousand dollars, which sum shall be added to the sum hereby appropriated ; the whole constituting a fund of ten thousand dollars, to be paid out of the treasury and expended as aforesaid.

Conditional appropriation.

2. The property in all buildings and improvements erected under the provisions of this act, shall be in the regents of the State normal school to be used and controlled according to the provisions of the forty-fifth chapter of the code so far as the same are applicable, and not modified by this act. But the said district of Fairmont shall by the payment of the said sum of five thousand dollars as provided by the first section of this act, acquire and have a vested right to the use of said normal school building according to the provisions of the eleventh section of an act passed on the 23d day of February, 1869, entitled an act to provide free schools for the district of Fairmont: Provided, however, that the said district of Fairmont shall annually make adequate provision by taxation for defraying all additional expenditures made necessary by the admission of the children of said district into said school under the provisions of this act.

Property to vest in regents of State Normal School.

Right to the use of property to vest in district of Fairmont.

Proviso.

3. The powers and duties of the executive committee of said school shall, from and after the payment into the treasury of said sum of five thousand dollars, be exercised by said committee jointly with the board of education of said district of Fairmont.

Powers and duties of Ex. Com. exercised jointly with board of education.

If state discontinue use of buildings school district of Fairmont shall use and occupy same.

4. If at any time the state shall discontinue the use of said normal school buildings at Fairmont for the purpose for which they were constructed, the same with the appurtenances and grounds on which they are situated shall be used and occupied by the school district of Fairmont for school purposes, until such time as the state may desire again to use the said property for the purposes for which it was constructed, when it shall be occupied and used by the state and said school district as specified in the second section of this act.

CHAPTER LXXI.

An Act to amend and re-enact the charter of the town of Charlestown, in the county of Jefferson.

Passed February 24, 1872.

Be it enacted by the Legislature of West Virginia :

That the charter of the town of Charlestown be, and the same is hereby amended and re-enacted to read as follows:

Corporate limits 1. The corporate limits of the town of Charlestown shall be as follows, to wit:

Beginning at the corner of Wm. H. Travers and Andrew Hunter, on the north side of the Smithfield, Charlestown and Harper's Ferry turnpike, being 41:1 poles from the east end of the town alley, (figure one in the plat of J. Howell Brown's survey of Jan. 18, 1872); running thence with the line of the said Travers and Hunter, and also the line of Richard Hessey and the said Hunter, N. 21° 30' W. to the Winchester and Potomac railroad, and extending the same course in all 79:3 poles to a stake in James M. Ranson's field (2); thence parallel to Washington street, S. 68° 30'; W. 290 poles to a stake at the prolongation of the line of Mrs. Buskirk and Henry B. Davenport (3); thence in the direction of said line S. 21° 30'; E. 10:8 poles to a stake at the west side of new road, where the same intersects the "old mill road" (4): thence

with west side of new road S. 19°; W. 52:9 poles, crossing the aforesaid turnpike to a stake in the line of said Davenport, (5); and thence with the said line S. 19°; E. 30-9 poles to the south side of the "old Winchester road" (6); thence with it N. 68° 30'; E. 36:05 poles to a point at the prolongation of the aforesaid line of Buskirk and Davenport (7); thence extending said course S. 21° 30'; E. 147: 13 poles to a stake in William Drew's field, (8); thence parallel to Washington street, N. 68° 30'; E. 290 poles to a stake in George H. Tate's field(9); thence N. 21° 30'; W. 150-18 poles to the beginning, containing one hundred and twenty-seven acres, one rod and six perches.

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

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

4. All the corporate powers of the said town shall be exercised by the said council, or under their authority, except when otherwise provided, but the recorder shall have no vote at any meeting of said council, except in the absence of the mayor. Corporate powers.

5. The mayor and recorder shall be elected by the citizens of said corporation, who may be entitled under this act to vote. Two councilmen shall be elected by the qualified voters of each ward. Mayor and recorder; how elected.

6. Their term of office shall be (except when to fill vacancies,) for two years, and until their successors shall have been elected and qualified as hereinafter provided. Terms of office.

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

Wards.

8. The said town shall consist of three wards, located and bounded as follows, to-wit: The first ward shall include all the territory within the corporate limits, lying west of West street in said town; the second ward, all the territory lying between West and George streets; the third ward, all the territory within said corporate limits lying east of

Elections.

George street. Elections under this act shall be held thirty days after its passage, and biennially thereafter on the fourth Thursday of May; the said election to be under

Supervision of.

the supervision of three inspectors at each election precinct, in said town, who are to be appointed by the council

Rules governing and place of voting.

thereof, and who shall be governed by such rules and regulations as the council may prescribe. The council shall

Proviso.

also select and designate the voting place in each ward of said town: Provided, however, that for the first election to be held under this act, the inspectors shall be appointed and the voting places selected by the justices of the peace, for the township of Charlestown.

Certificates of election.

9. As soon as the result of said election for mayor, recorder and councilmen is ascertained, the inspectors of election shall sign a certificate containing complete returns of the polls taken at their place of voting, for all the said offices, and shall enclose the certificates in an envelope which shall be sealed up and indorsed by each of such inspectors. The inspectors, or one of them, shall within three days after the day on which the election was held, deliver said certificates, sealed up as hereinbefore provided, to the recorder of the town of Charlestown; at the next meeting of the council thereafter, the recorder shall present such certificates to the council, who shall examine the same and ascertain the true result of such election in said town, and the persons appearing to have received the highest number of votes for the several offices mentioned in this section, shall be declared elected, and a certificate thereof, signed by the mayor and recorder, shall be granted to the persons so elected: Provided, however, that in the first election provided for under this act, said returns shall be made to, and said certificates given by, the justices of the peace for the township of Charlestown.

Proviso.

Who may vote.

10. Every male person residing in said town, shall be entitled to vote for all officers elected under this act; but

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

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

12. At all elections the mode of voting shall be prescribed by the state constitution for the election of state officers. Mode of voting.

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

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

15. A majority of the councilmen elected by the several wards shall be necessary for the transaction of any business. Quorum.

16. There shall be a sergeant, a treasurer and assessor and a commissioner of the roads, streets and alleys of the town, who shall be appointed by the council thereof, and hold their office during the pleasure of said council. The duties of recorder and treasurer and assessor may be dis- Officers appointed.

charged by the same person, or otherwise, as the council may from time to time determine.

Oath of office.

17. The mayor, recorder, councilmen and all officers herein provided for, shall each, before entering upon the duties of his office, and within ten days of the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the constitution of the United States, and the constitution of the State of West Virginia. The mayor having taken such oath or affirmation, may administer the same to the councilmen and other officers. Certificates of said oaths or affirmation shall be recorded on the journal kept by the council, and whenever two-thirds of the members of the common council shall have qualified, they shall enter upon the said offices.

Failure to qualify.

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

Presiding officer

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

Journal of council.

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

Yays and nays.

Presiding officer in case of a tie to give casting vote.

Powers of council.

21. The council shall have power to open new streets, and extend, widen, straighten and repair old streets and alleys; to curb and to pave streets, side-walks and gutters

for public use, and to alter, improve and light the same; ^{Powers of council.} and shall have control of all the avenues for public use in said town; to have the same kept in good order and free from obstructions on or over them; to regulate and determine the width of all streets, sidewalks and public alleys; to order and direct the curbing and paving of all sidewalks and footways for public use in said town, to be done and kept in good order by the owners or occupants of the adjacent property; to control the construction and repairs of all houses, bridges and culverts; the opening and construction of all ditches, drains and gutters; to widen, deepen and clear the same of stagnant water and filth, and to determine at whose expense the same shall be done; to purchase, lay off and appropriate public grounds and control the use of the same; to provide, contract for and take care of public buildings proper to the town; to provide for the regular building of houses or other structures; to cause the removal of unsafe walls or buildings; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything, which, in the opinion of the majority of the whole council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles; to provide in or near the town, places for the burial of the dead, and to regulate interments in the town, and to provide shade and ornamental trees; to provide for making division fences and for the draining of lots by proper drains and ditches; to make regulations for guarding against danger or damages from fire; to provide for the poor of the town; to organize one or more fire companies, and provide the necessary apparatus, tools, implements, engines, or any of them, for their use; to provide sufficient revenue for said town, and appropriate the same to its expenses; to issue bonds of the corporation and make sale thereof; but no such bonds shall be sold by said corporation for less than par, nor bear a higher rate of interest than eight per centum per annum; nor shall said corporation be indebted on account of such issue at any period in a greater sum than ten thousand dollars, without the consent of the majority of the voters of the town expressed at an election held for that purpose; nor shall the whole indebtedness of said town, at any time ever exceed the sum of twenty thousand dollars; to provide for

Powers of
council.

the annual assessment of taxable persons and property in the town; to adopt rules for the transaction of business, and for the government and regulation of its own body; to promote the general welfare of the town, and protect the persons and property of the citizens therein; to appoint the officers authorized by section sixteen of this act, fix their term of service and compensation; require and take from them bonds with such sureties and in such penalties as the council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure, (all bonds taken by the council shall be made payable to the town in its corporate name); to regulate and provide for the weighing of hay, coal, wood and other articles sold or for sale in said town; and to regulate the transportation thereof through the streets; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in said markets; to protect places of Divine worship; to lay off the town into three or more wards, and to appoint and publish the places of holding town elections; to erect or authorize or prohibit the erection of gas works or water works in or near the town, to prevent injury to and provide protection of the same; to provide for the purity of the water and for the healthfulness of the town—for all which purposes, except that of taxation, the council shall have jurisdiction for one mile beyond the corporate limits of said town.

Power to repair
sidewalks.

22. If the owner or occupant of any sidewalk, footway or gutter in said town, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep the same clean in the manner and in the time required by the council, it shall be the duty of the council to cause the same to be done at the expense of the said town, and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the town sergeant in the manner herein provided for the collection of town taxes.

Further powers
of council.

23. To carry into effect these enumerated powers, and all other powers conferred upon the said town, or its councils, expressly or by implication, by this or any future act of the legislature of this state, the council shall have power to make and pass all needful orders, by-laws, ordinances,

resolutions, rules and regulations not contrary to the constitution and laws of this state; and to prescribe and impose reasonable fines, penalties and imprisonment in the county jail or such other places, as they may provide, for a term not exceeding thirty days, for violations thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the mayor of said town, or the person lawfully exercising his functions; and the authorities of said town, may, with the consent of the board of supervisors of the county of Jefferson, entered of record, use the jail of said county, for any purposes for which the use of a jail may be needed by them, under the acts of the council or of the state.

24. The council shall cause to be annually made up and entered upon its journal, an accurate estimate of all sums which are, or may become lawfully chargeable in said town, and which ought to be paid within one year, and it shall order a town levy of so much, as may in its opinion, be necessary to pay the same. All vacant property embraced in the proposed boundaries of the said town, beyond the old limits of the town, shall be subject only to such taxation for the benefit of said town as is levied upon other property for county and township purposes, until said vacant property shall be divided into lots for building purposes, or offered for sale as such, or until the streets of the said town shall be opened for the use and accommodation of the same.

25. The levy so ordered shall be upon all male persons resident of said town, over the age of eighteen years, dogs, and all real and personal estate within said town, subject to state or county taxes: Provided, that the tax so levied upon property, do not exceed \$1 for every \$100, of the value thereof, and upon persons \$2 per head.

26. Whenever anything for which a state license is required, is to be done within said town, the council may require a town license therefor, and may impose a tax thereon for the use of the town. But no license to sell strong or spirituous liquors, or wine, beer, ale, porter or drinks of like nature within the said town, or within one mile of its corporate limits, shall be granted by the board of supervi-

sors of Jefferson county, unless the person applying therefor shall produce before said board the certificate of the council of said town, of its consent to the granting of such license. The council shall require from the persons so licensed a bond with sureties payable to said town in such penalties, and with such conditions as it may think proper, and may revoke such license at any time, if the conditions of said bond be broken.

Assessor; his powers, duties.

27. It shall be the duty of the assessor to make an assessment of the persons and property within said town, subject to taxation substantially in the manner and form in which such assessments are made by the assessor of the county, and to return the same to the council on the first day of April, 1872, and in succeeding years, on the first day of July in each year, and for this purpose he shall have all the powers conferred by law upon the county assessor. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during his continuance in office.

Sergeant; his powers, duties and liabilities.

28. The sergeant shall have power to collect the town taxes, fines and levies, and shall have power, one month after he shall have received the books of the assessor of said town, to distrain and sell therefor in like manner as the sheriff may distrain and sell for state taxes, and shall, in other respects have the same powers as a sheriff, to enforce the payment and collection thereof; and the said sergeant shall have power to exercise within the corporate limits, all the duties of a constable as a conservator of the peace, and he shall be entitled to the same compensation therefor; upon the conviction of any person arrested by him, for violating any of the ordinances of the council, he shall be entitled to one dollar for such arrest, to be taxed in the costs against the person so convicted, and he, and his security, shall be liable to all fines, penalties and forfeitures that a constable is legally liable to, for any failure or dereliction in his said office, to be recovered in the same manner and before the same courts, the said fines, penalties and forfeitures, are now recoverable against constables.

Lien on real estate for taxes.

29. There shall be a lien upon real estate within said corporation for the town taxes assessed thereon, from the

commencement of the year in which they are assessed, and for all other assessments, fines and penalties, assessed or imposed upon the owners thereof by the authorities of the town, from the time the same are so assessed or imposed, which lien shall be enforced by the council in the same manner as the lien for taxes for county purposes is now enforced. The lien aforesaid shall have priority over all other liens, except that for taxes due the state.

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

31. The council shall have power to require and take from the sergeant and treasurer bonds with sureties satisfactory to the council, in such penalty as it may deem sufficient, except that as to the sergeant, it shall not be for a penalty less than \$2,500, and the said bond shall be conditioned for the true and faithful performance of his duties as sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the town which shall come into his hands, or which it shall be his duty to collect, at such times and to such persons as the council may order. The treasurer's bond shall be conditioned for the true and faithful performance of his duty as treasurer, and that he will faithfully pay over, and account for all moneys that shall come into his hands as treasurer, when and as he shall be thereto required by the council. Bonds of sergeant and treasurer.

32. The mayor shall be the chief executive officer of the town, and shall take care that all by-laws, ordinances and orders of the council are faithfully executed. He shall be *ex-officio*, a conservator and justice of the peace within said town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the town, and may appoint special police officers whenever he deems it necessary, and it shall be his duty especially to see that the peace and good order of said town are preserved, and that the persons and property therein are protected; and to this end, he may cause the arrest and detention of all rioters and disorderly persons in said town, before issuing his warrant Mayor; his powers, duties and compensation.

therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of Jefferson county, until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment as hereinafter provided, but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the council such measures as he may deem useful to the welfare of the town. He may receive a compensation for his services, to be fixed by the council, which shall not be increased or diminished during the term for which he was elected.

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

34. It shall be the duty of the town sergeant to collect the taxes, fines and other income and revenue of the town as specified in his bond, and to account for and pay the same to the treasurer at such time as the council may order. And it shall be his duty, at least once every three months, during his continuance in office, and oftener if thereto required by the council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency, to which list he shall make oath, that he has used due diligence to collect the same, but has been unable to do so. The council shall, if it be satisfied he could not have collected the same by use of due diligence, allow them; but if the council shall be of opinion by use of due diligence on the part of said sergeant, he could have collected the same, or any part thereof, then he shall be charged with such as he might have collected. The said sergeant shall do and perform all

Recorder ; his duties, powers and compensation.

Further duties and liabilities of sergeant.

other acts pertaining to the office of sergeant of a corporation and of a police officer, and within said town, and shall as such, have the same powers, duties, fees and liabilities as are by law prescribed to a constable when acting as such. He shall for his services receive such compensation as shall be fixed by the council. His compensation.

35. All moneys belonging to said town shall be paid over to the treasurer, none of which shall be paid out by him, except as the same shall have been apportioned, and ordered to be paid by the council; and the said treasurer shall pay the same upon the certificate of the mayor. Treasurer.

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

37. If the sergeant shall fail to collect, account for and pay over all taxes, fines and other revenue of the town in his hands for collection, according to the conditions of his bond, it shall be lawful for the council to recover the same by motion, in the corporate name of the town, in the same manner and before the same courts as provided against the treasurer in the 36th section. Motion against sergeant.

38. It shall be the duty of the commissioner of streets to superintend the opening, construction and repair of the roads, streets and alleys, side-walks, cross-walks, footways, drains and gutters, within the said town, and to put and keep the same in good repair, and carry into execution all the resolutions, orders and ordinances of the council in relation thereto. Commissioner of streets.

39. The said town and taxable persons and property therein, shall be exempt and free from the payment of any poor taxes or ordinary road tax, and from contributing to any county expenses for the poor and the ordinary roads and bridges of said county outside the corporate limits of Exemption from road and poor tax.

the said town, for any year to which said town shall, at its own expense, provide for its own poor and shall keep its streets in order.

Former rights
and properties
to remain
vested.

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

Duties of
council.

41. The council shall adopt all needful and just ward regulations, whether general or special, for the good of the citizens thereof. It shall authorize street expenditures in the several wards as equity and justice shall demand, and may authorize the collection of a special tax in any ward of the town for a specified purpose, within such ward, when requested so to do by a majority of the voters thereof. Whenever, in the opinion of the council, it becomes necessary to lay off said town into more than three wards, the said council shall so lay it off.

Further duties
of council.

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

CHAPTER LXXII.

An Act to incorporate the North Branch Railroad Company.

Passed February 24, 1872.

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful to open books of subscription Books of subscription. at Piedmont, after three weeks notice of the time and place, published in some newspaper printed in the county of Mineral, under the direction of James D. Armstrong, Commissioners. Joseph C. McCarty, Alexander Colbaugh, Robert B. Sherard, Alexander Somerville, Thomas Maslin and John T. Pierce, or any three of them, or of such agent or agents, and at such times and places, as they, or a majority of them may appoint for the purpose of receiving subscriptions to the amount of one million dollars, in shares of one Capital stock. hundred dollars each, to constitute a joint capital stock for the construction of a railroad up the North Branch of Potomac from some point on the Baltimore and Ohio Railroad between Piedmont in the county of Mineral and Route of road. Bloomington Bridge on the said North Branch of Potomac.

2. Whenever fifty thousand dollars shall have been subscribed by persons solvent and able to pay, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared a body politic and corporate in the name and style of the North Branch Railroad Company, and shall have and be invested with all the rights and privileges conferred on such bodies politic and corporate, and be subject to all the restrictions and regulations prescribed by the Code of West Virginia, and laws amendatory thereof in relation to such companies; except that said company shall have two years within which to organize and commence operations, and except where otherwise Time allowed to organize and commence operations. inconsistent with the provisions of this act.

3. The said company is hereby authorized and empowered to extend its road by the most practicable route to connect with the Chesapeake and Ohio Railroad, and also to construct branch roads up the tributaries or any of them of the said North Branch of Potomac. Said company shall not charge more than five cents per ton per mile for Authority to extend road and construct branches. Rates of charges

the transportation of freight, nor more than five cents per mile for the transportation of passengers, *per capita* ;

Subscriptions in land.

4. The said commissioners or agents appointed by them, as aforesaid, or the said company after it is organized are authorized and empowered to receive subscriptions to the capital stock of said company in land at such valuation as may be agreed upon by said commissioners, agents or company and the owners of land, and said company shall have full power to sell and dispose of said lands or to open and work mines thereon for coal, iron or other minerals, or to saw and market timber growing thereon : Provided, that said company shall not purchase real estate in order to sell the same for profit, or hold more real estate than is necessary for the purpose for which it is incorporated.

May sell or mine the same.

Proviso.

Bonds received in payment of subscriptions.

Effect of bonds when recorded.

5. The said commissioners, agent, or said company shall have power to receive in payment of subscription bonds bearing interest at a rate not exceeding ten per centum per annum which bonds when recorded in the county where the lands lie, shall be a lien on all the lands mentioned and described therein, and shall have all the effect and force of a mortgage on said lands; and said bonds may provide that the interest on said bonds may be compounded until the said road has been completed to or near said lands, for ten years.

Authority to borrow money and secure its payment.

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

Subscriptions by counties, corporations, &c.

Subscriptions may be made by counties and sub-divisions of counties, to the capital stock of the company, in the way and manner prescribed in the eighth section of an act to incorporate the Pennsylvania and West Virginia Railway company, passed March 2d, 1870; and it shall be lawful for all persons and bodies corporate or politic, whatsoever to become subscribers for and owners of the capital stock of said company or any part thereof.

Act amendable.

8. This act may be altered and amended at the pleasure of the legislature.

CHAPTER LXXIII.

An Act to incorporate the Harrison Bridge Company, and making certain appropriations to build a bridge across the West Fork river.

Passed February 24, 1872.

WHEREAS, under an act of the legislature of Virginia, passed March 7th, 1850, incorporating the West Milford and New Salem Turnpike Company, the citizens of Harrison county subscribed two-fifths of a capital stock, sufficient to grade said company's road through the county of Harrison, and construct a bridge across the West Fork river on the line of said road; and,

Preamble and Act of Va. Assembly recited.

WHEREAS, after completing the grading of said road through the county of Harrison, there remained five thousand dollars of capital stock unexpended, two-fifths of which was the subscription of said citizens, and which should have been applied to building the said bridge, but was applied to grading said company's road through adjoining counties, contrary to the wishes and purposes of said subscribers; therefore,

Be it enacted by the Legislature of West Virginia:

1. That it shall be lawful for Bennett D. Rider, Jesse Miller, Hiram J. Lynch, George H. Sheets, C. W. Helmick, Solomon Ward and Wm. B. Vanhorn, or any three of them, to open books at West Milford, and at such other places in the county of Harrison as they may deem proper, for receiving subscriptions to an amount not less than five thousand dollars, nor more than ten thousand dollars, in shares of twenty-five dollars each, for the purpose of erecting a bridge across the West Fork river, at the town of West Milford, in the said county of Harrison.

Corporators.

Subscription books.

Capital stock.

Construction of bridge.

2. The board of supervisors of the county of Harrison, is hereby authorized and empowered, (after taking a vote of the tax payers of said county, at an election held for the purpose, or otherwise, by a vote of said supervisors,) to subscribe, not exceeding eighty shares of said capital stock, and provide for the payment of the same by levy on the taxable property of said county, in such levies as the board may deem proper, and when such subscriptions shall have been made, the said board of supervisors, in

Authority to subscribe to capital stock, and provide payment for same.

Certificates of stock.

their corporate capacity, shall be entitled to certificates of stock to the amount of the said subscription.

Incorporation.

3. When forty shares of said stock shall have been subscribed, the subscribers, their heirs, executors, administrators and assigns shall be, and they are hereby incorporated into a company, by the name and style of the "Harrison Bridge Company," subject to the provisions and possessed of all the privileges and powers granted to corporate bodies in the code of West Virginia, to joint stock companies.

Style of company.

Subject to code.

Appropriation by state.

4. The sum of two thousand dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to aid in the construction of said bridge, and the auditor is hereby authorized to issue his warrant upon the treasury therefor to the directors of said company, whenever satisfactory evidence shall be furnished him that three thousand dollars of said capital stock has been subscribed and paid in by the stockholders of said company.

When auditor authorized to issue his warrant.

CHAPTER LXXIV.

An Act to amend the charter of the Harper's Ferry and Smithfield Turnpike Company.

Passed February 24, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to construct branch road and increase capital stock.

That the charter of the Smithfield and Harper's Ferry Turnpike Company be, and the same is hereby so amended, as to allow said company to construct a branch road to the old furnace, and to increase their capital stock by subscription for said purpose, to an amount not exceeding four thousand dollars.

CHAPTER LXXV.

An Act to provide for submitting to the legal voters of McDowell county the question of a permanent location of the county seat of said county, and for the carrying out of their will as so expressed.

Passed February 24, 1872.

Be it enacted by the Legislature of West Virginia :

1. The legal voters of the county of McDowell and all who may be such on the fourth Thursday in May, 1872, are hereby authorized to assemble at their respective voting places and precincts within the said county on the said fourth Thursday in May, to vote upon the question of the location, aforesaid, of the county seat of McDowell county from its present place of holding court to Peeryville on the Dry Fork of Sandy, and to be located on the land of G. W. Payne. At said election, the voting shall be by ballot, and those voting for the proposed change shall have written or printed upon their ballots the words "For change," and those opposed to said proposed change, shall have written or printed upon their ballots the words "Against change." The election herein provided for, shall be conducted by the legally authorized officers for holding other elections within said county, and shall be subject to all the restrictions, and conducted in the same manner as now provided by law for other elections within this state so far as the same are not inconsistent herewith.

Election on location of county seat.

2. It shall be the duty of the supervisors of said county to assemble at the court house of said county within ten days after the said elections, and proceed to count the ballots cast at the same, which ballots, together with a certificate of the result of said election, it is hereby made the duty of the officers holding said election, to send and certify to said supervisors within five days of the said elections and so determine the result thereof. If a majority of the legal votes cast at said election shall be for the proposed change, then it shall be the duty of the said supervisors to provide for the location of said county seat as proposed, within three months from and after said fourth Thursday in May.

Duties of supervisors and officers of election.

Majority vote to determine.

Acts repealed. 3. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

CHAPTER LXXVI.

An Act to amend and re-enact section three of chapter one hundred and thirty-five of the Code of West Virginia.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia :

Code amended. That section three of chapter one hundred and thirty-five of the Code of West Virginia be amended and re-enacted so as to read as follows :

Appeal; how taken.

Conditions of undertaking to stay execution.

“3. The party so appealing shall, if he desire a stay of execution in the case, file with the clerk of the court in which the judgment, decree, or order appealed from is an undertaking signed by himself, or some person for him, with one or more good securities, to be approved by the clerk, to the effect that if the judgment, decree or order appealed from is affirmed, such party will abide by and perform the judgment, decree, or order of affirmance, and will pay to the opposite party, and to any person injured all such costs and damages as they or either of them may incur or sustain by reason of said appeal. If such party do not desire a stay of execution such undertaking shall be to the effect only that he will pay the costs of the appeal in case the judgment, decree, or order be affirmed.”

CHAPTER LXXVII.

An Act repealing sections eight and nine, of chapter ninety-six, of the Code of West Virginia.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia :

Sections repealed.

That sections eight and nine, of chapter ninety-six, of the code of West Virginia be repealed.

CHAPTER LXXVIII.

An Act for the relief of Michael Rady, Sheriff of Grant County.

Passed February 26, 1872.

WHEREAS, The delinquent list of Michael Rady, sheriff Preamble. of Grant county, for the year 1870, because of the failure of the clerk of the board of supervisors of said county to deliver the same to said sheriff, did not reach the auditor for the first of July, 1871; and

WHEREAS, The said delinquent list has since the said first day of July been received by said auditor properly certified;

Be it enacted by the Legislature of West Virginia:

That the auditor is hereby authorized to credit said Auditor to credit delin- sheriff with the amount of taxes mentioned in said de- quent list. linquent list.

CHAPTER LXXIX.

An Act to pay John M. Greer for services rendered, in serving writs for election.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

That the auditor is hereby directed to draw his warrant Appropriation. upon the treasury for the amount of \$13.50, in favor of John M. Greer, sheriff of Jackson county, for services rendered in serving writs for election to fill the vacancy occasioned by the resignation of Hon. Okey Johnson.

CHAPTER LXXX.

An Act to amend and re-enact section four of chapter sixty-two of the Code.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

1. That section four of chapter sixty-two of the code, Code amended. be, and the same is hereby amended and re-enacted, so as to read as follows.

Fishing at certain season prohibited except with line.

Proviso.

Trespassing on enclosed fields prohibited.

“It shall not be lawful for any person to catch or destroy any of the fish of the rivers or creeks of this state, by means of any drag, or other nets, wires, traps, or other devices, (except line and pole, fish pots, gigs or spears,) between the first day of April and the first day of October in each year: Provided, that in the counties of this state east of the Alleghany mountains, fish shall not be taken in fish-pots at any time of the year. Nor shall it be lawful for any person, engaged at any time in catching or destroying fish, to trespass upon, or go into any enclosed field, adjoining, or near, to the stream in which such person may be fishing, without permission from the owner or occupier of such premises.”

CHAPTER LXXXI.

An Act to amend the charter of “The Development Railroad Company.”

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

Section amended.

So much of section four of chapter one hundred and twenty-two of the acts of 1871, as amends and re-enacts section five of an act passed March 4, 1868, is hereby amended and re-enacted so as to read as follows:

Rights and duties of company.

“5. The said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities, provided for and declared in chapters fifty-two and fifty-three of the code of West Virginia, but so much of said chapters, or 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.”

CHAPTER LXXXII.

An Act authorizing the Board of Public Works to change the location of the Western end of the Cumberland road in this State.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

1. The board of public works is hereby authorized to lay out and construct a road, which shall be in lieu of the Wheeling Hill part of the Cumberland road, commencing at or near to the town of Fulton, in Ohio county, so that said new road shall intersect with the said Cumberland road, and running from such point near said town, as said board may select, either around the eastern base of what is known as "Wheeling Hill," or from said point across what is known as the "Peninsula," so as to connect with some graded and paved street within the corporate limits of the city of Wheeling. The said location is to be determined by the board upon such information as it may deem satisfactory.

Authority of board of public works to lay out and construct road.

Intersection and route of road.

2. The said board is hereby authorized and empowered to apply any excess of tolls, received from said Cumberland road, after keeping the same in good order and repair, to the laying out and construction of the road herein authorized to be made.

Excess of tolls; how applied.

3. The board of public works shall, before the first day of August, 1872, cause a survey to be made of the different routes specified in the first section of this act, and a report to be made to it by a competent engineer of the practicability and probable cost of the said respective routes; and the said board shall thereupon determine which of said routes shall be chosen for the location of said road; and in locating said road the board shall be governed by the advantages of the respective routes, having regard to the public convenience, the comparative cost, the right of way as may be offered by the land owners through whose lands it might pass, and the relative amount of subscriptions offered as donations in behalf, or in aiding the construction of the respective routes. After the powers herein conferred relative to the location of said road have been exercised by said board, it shall proceed to contract

Survey of route.

In locating road board to be governed by the advantages of respective routes.

Construction of road. with competent and responsible parties for the construction of said road, according to the provisions of this act.

Powers conferred; when to be exercised by board. 4. But the power herein conferred on the board of public works shall not be exercised until the said board shall have received satisfactory guarantees that bona fide subscriptions as donations have been made by responsible parties, equal in the aggregate to an amount sufficient to construct the said road with the said excess of tolls, as specified in the second section of this act, which may be collected within two years from the first day of July, eighteen hundred and seventy-two.

Rates of toll. 5. After such road as is herein provided for has been completed, the board of public works shall make such regulations respecting the tolls therein as said board may desire proper: Provided, they do not exceed the rates now prescribed by law; and said road shall be to all intents and purposes, under the control of the board of public works

Control of road. as the said Cumberland road now is.

CHAPTER LXXXIII.

An Act authorizing the Board of Supervisors of Ohio county to refund to the trustees of Bethany college certain taxes erroneously assessed and collected.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

Authority to refund certain taxes. 1. That it shall be lawful for the supervisors of the county of Ohio, to hear and determine any question connected with erroneous assessment and collection of taxes for the years 1868, 1869, 1870 and 1871, from the trustees of Bethany college, on their gas stock, and should it be found that said gas stock was exempt from taxation for any of said period, then the same shall be refunded as though the application to correct the same had been made in the time otherwise provided by law.

CHAPTER LXXXIV.

An Act to amend and enlarge the Charter of the South Branch Railway Company.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia :

That the charter of the South Branch Railway Company passed February 23, 1871, be amended and enlarged as follows : Charter amended.

1. That the capital stock of said company may be increased by sales of additional shares thereof to the sum of five millions of dollars, and said company is authorized to extend the main line of its said road to the extreme southern liminary line of the state. Capital stock increased and road extended

2. Towns, townships or sub-divisions of counties on and near the line of said road, may subscribe to the capital stock of said company, in such amounts as they may respectively determine upon; on such terms and conditions as are prescribed for certain townships in the fourth section of the original act. And counties on or near the line of said road may subscribe to its capital stock, as provided for in the amended charter of the Alexandria, Loudon and Hampshire Railroad Company passed February 19, 1870, and the provisions of the fourth section of same act are hereby extended to said company. Subscriptions by towns and townships. Subscriptions by counties. Provisions of act of 1870 extended to company.

3. The fifth section of the original act is hereby amended and re-enacted so as to read as follows: Section amended.

“The said company shall be and is hereby invested with all and singular the rights, powers and immunities, franchises and privileges for surveying, locating, and constructing and equipping said road, and working, repairing and preserving the same, and the necessary vehicles and appurtenances thereto belonging for transportation of passengers and freight thereon; and such transportation of passengers and freights shall not exceed the rate of five cents a mile of passengers, or of freight per ton.” Rights of company. Road. Vehicles, &c. Tolls on freight and passengers.

This act shall be subject to alteration or amendment at the pleasure of the Legislature. Act amendable.

CHAPTER LXXXV.

An Act to authorize the Elk River Bridge Company to increase its capital stock.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

Authority to increase capital stock.

That the Elk River Bridge Company is hereby authorized to increase its capital stock sixteen thousand (\$16,000) dollars.

CHAPTER LXXXVI.

An Act to repeal chapter one hundred and twenty-three of the acts of 1869, entitled "an act for the relief of John F. Kirby," passed March 4th, 1869.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

Act repealed

That chapter one hundred and twenty-three of the acts of 1869, entitled "an act for the relief of John F. Kirby," passed March 4th, 1869, is hereby repealed.

CHAPTER LXXXVII.

An Act authorizing the Governor to issue commissions to the officers of Independent Volunteer Military Companies.

Passed February 26, 1872.

Preamble

WHEREAS, certain persons have formed volunteer companies in the city of Wheeling, and others are likely to be formed in various parts of the state; and,

WHEREAS, under the present laws and the unorganized condition of the military, the governor has no power to issue commissions to the officers of such volunteer companies; therefore,

Be it enacted by the Legislature of West Virginia :

1. That whenever, in any case, the governor shall receive from the captain of a volunteer military company a certificate of the election of its officers, and the name by which said company desires to be known, together with duplicate enlistment and muster rolls of said company, he shall thereupon issue commissions for the captain and lieutenants elected, and transmit them to the captain of said company. The said commissions shall state the name of the company to which the officer so commissioned belongs, and in what county such company is located.

Volunteer companies.
When governor authorized to commission the officers.
To whom transmitted.
What commissions must state.

2. Such company named, and whose officers shall be commissioned, as prescribed in the preceding section, shall be an independent military organization, but shall be governed by the rules prescribed for volunteer companies in chapter twenty-three of the code, so far as they are not inconsistent with this act, and shall be entitled to all the privileges therein contained relative to arms, equipments, &c.

Organization of company.
How governed.
Arms, equipments, &c.

3. After the militia of the state have been organized under existing laws, and regiments formed, the Governor may direct that such independent volunteer companies, as are herein provided for, shall be attached to such regiments as he may direct, and upon his so doing, the officers of said company shall return their commissions, and thereupon the governor shall issue, to such officers as may be then elected, commissions in accordance with such regimental organization.

After organization of militia companies to be attached to regiments.
Commissions to be returned and others issued.

CHAPTER LXXVIII.

An Act to amend and re-enact chapter one hundred and eighty of the Acts of 1871, entitled "An act to incorporate the Iron Valley and Pennsylvania Line Railroad."

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia :

That chapter one hundred and eighty of the acts of 1871, entitled "An act to incorporate the Iron Valley and Pennsylvania Line Railroad," be amended.

Chapter amended.

Pennsylvania Line Railroad," be amended and re-enacted so as to read as follows :

- Co:porators.** 1. Andrew Stewart, Sebastian Rush and Levi Fike, of the State of Pennsylvania, D. R. Martin and W. W. Wharton, of the State of New York, and John Heradar, George Manst, Thomas Scott, Charles Cantner, H. C. Haggans, Joseph Feather, John D. Rigg, David Morgan, Joseph H. Gibson, James W. Brown, William Albright, Charles E. Brown, Francis Hermans, William G. Brown, James C. McGrew, Smith Crane, James H. Carroll, Wm. B. Zinn, Joseph Guseman, Reason A. Bell, George Hardman, Robert W. Monroe. George Orr, S. L. Allen, J. R. Smoat and Joseph Jackson, of the State of West Virginia, and their associates and successors, and assigns, and all who shall become stockholders, when two thousand shares of the capital stock shall have been subscribed, as hereinafter provided, or when a sufficient amount shall have been subscribed to the capital stock of said railroad to build the same from the Pennsylvania line to the town of Bruceton, are hereby made a body politic and corporate by the name of the "Iron Valley and Pennsylvania Line Railroad Company": Provided, said subscription shall have been made in good faith, within three years after the passage of this act.
- Incorporation.**
- Route of road** 2. The said company is hereby authorized to construct a railroad from near the Pennsylvania state line where the same crosses Big Sandy Creek, by way of Brandonville, Bruceton Mills, Muddy Creek Furnace, Valley of Green's Run near Kingwood, and Martin's Iron Works, so as to intersect the Baltimore and Ohio Railroad at or east of the mouth of Raccoon Creek, in the county of Preston, subject to all the rights and privileges of this act, and to provide every thing necessary for convenient transportation on the same. The gauge of the said railroad shall not be greater than that of the Baltimore and Ohio Railroad, but may be less.
- Gauge of road.**
- Capital stock.** 3. The capital stock of said company shall be two millions of dollars, and shall be divided into shares of one hundred dollars each, and books may be opened by said
- Subscription books.** corporators, or any five of them, to receive subscriptions

to said capital stock at any time after the passage of this act, at such place or places as any five of them may direct.

4. The said books shall be opened, and the subscriptions received in the manner provided for in an act passed March 2, 1864, entitled "An act to incorporate the West Virginia Railroad Company." The said company shall be subject to all the provisions and liabilities and entitled to all the rights and benefits conferred by all the general laws now in force in this state, relating to railroad companies, except so far as the provisions of this act may be inconsistent therewith.

Subscriptions;
how received.

Rights and
privileges of
company,

5. If the capital stock of said company shall be insufficient for the purposes of this act the said company shall have the power, and are hereby authorized to increase their said capital stock by the addition of as many shares as shall be deemed necessary. And said company shall have power to borrow money, and issue their bonds therefor, to accept and receive donations in land, money or other thing from the Congress of the United States, or from any other source or sources whatsoever, for the purpose of carrying on the objects of this act; and the said company may pledge their property for the payment of such loans, and the interest that may accrue thereon. The said company shall be required to commence the construction of their said railroad within three years after the passage of this act, and shall complete the same within seven years after the passage of this act.

Authority to
increase capital
stock.

Powers of com-
pany.

Commencement
and construc-
tion of road.

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

Act amendable;

Certain rights
not to be im-
paired.

CHAPTER LXXXIX.

An Act to amend and re-enact section ten, of chapter sixty-three of the Code of West Virginia.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Code amended. Section ten, of chapter sixty-three, of the code of West Virginia, is hereby amended and re-enacted so as to read as follows :

Marriage within degrees prohibited.

1. No woman shall marry her father, her grand-father, step-father, brother, son, grand-son, half-brother, uncle, daughter's husband, husband's son, or his grand-son or step-son, brother's son, sister's son, or husband of her brother's or sister's daughter. And that marriages heretofore celebrated between first cousins, shall not, on that account, be deemed invalid, and the parties to such marriages are exempted from the penalties imposed by section three, of chapter one hundred and forty-nine, of the code of the state.

Marriages between first cousins legalized.

CHAPTER XC.

An Act to incorporate the Blue Stone Boom and Improvement Company.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Corporators. 1. That Isaiah Bee, J. P. Jones, C. M. Bishop, H. W. Straley, G. L. Jordan, James M. Byrnside, Wm. L. Bridges, Jonathan Lilly, D. E. Johnston, A. Prichard, Nimrod Morgan and Chas. Clark, their associates, successors and assigns, are hereby constituted and created a body corporate and politic, by the name of "The Blue Stone Boom and Improvement Company," subject to all the provisions and to enjoy all the privileges granted by the code of West Virginia, applicable thereto, and to such additional powers as may be granted and conferred by this act.

Incorporation.

Subject to provisions of code.

2. The said company may have a common seal, with the privilege of altering the same, and shall have the power to establish their general office and branches in such place, or at such point or points, with such agent or agents, from time to time as their wants and conveniences may require.

Common seal.
Officers and agents.

3. The capital stock of said company shall not be less than fifty thousand dollars, divided into shares of fifty dollars each, with the right, however, hereafter, to increase the same from time to time, to not more than one million dollars, as the wants of the company may require, or a majority of the stockholders authorize the same; and for the purpose of obtaining subscriptions to the capital stock of the said company, books shall be opened under the direction of the persons named in the first section of this act, or any three of them, at such times and places as they may deem expedient. Subscriptions to the capital stock may be received and paid, in manner and form, time and amounts, as the said persons herein named, or any three of them may determine; and thereupon the stockholders shall proceed at once to elect a board of directors, to consist of not less than five nor more than nine of their (own) number, who shall hold their offices for one year, or until their successors shall be elected, one of whom shall be president, who shall be elected by said directors, and a majority thereof shall constitute a quorum, with power to make and adopt such by-laws—the same to alter and amend—for the government of the affairs of said company, as the stockholders and directors shall deem proper.

Capital stock.
Shares.
Increase of stock.
Subscription books.
Manner and form of subscription.
Election of directors.
Term of office.
Election of president.
Quorum.
Powers of directors.

4. The said corporation shall have the exclusive right and privilege of constructing and maintaining a substantial boom or booms, with, or without piers, across the Blue Stone river, at or near its mouth, or at other points on said river in the counties of Summers and Mercer, in this state, for the purpose of stopping and securing boats, rafts, saw logs, staves and timber, manufactured or otherwise, and may erect shear booms, and remove obstructions, dredge, straighten, deepen, clear and widen the channel of said river, build ponds, basins, pools and reservoirs for the safe mooring and keeping of boats, logs, timber and lumber of whatsoever kind and description, and may build, construct, and erect mills, buildings, houses, &c., and pro-

Exclusive privilege of constructing booms within certain limits.
Powers of company.

Rights and
privileges.

vide all the necessary conveniences, machinery, &c., &c., to mine, cut, manufacture and sell any of the products of their lands, and prepare and transport the same to market, and may and shall have and enjoy all the rights and privileges granted and given in chapter two hundred and nineteen of the acts of 1871, passed March first, 1871, entitled "An act to incorporate the West Fork Land, Lumber and Boom Company," applicable to this company, and consistent herewith in the counties of Summers and Mercer, excepting the ninth section thereof.

May receive dona-
tions, hold
and enjoy same.

5. The said company may and shall have full power to accept and receive from any person, or persons, voluntary donations of any lands or other property, or money given in aid of the construction and equipment of any of the said company's works, and hold and enjoy the same as a part of the capital stock of the said company: Provided, that such subscriptions shall not exceed fifty thousand acres. Any real estate may be conveyed to this company by proper deeds of conveyance, and the same may be disposed of, for the lawful purposes of the company by proper deeds of conveyance executed by the president thereof, by and with the approval of a majority of the board of directors; and the said company may own and require, possess and occupy any lands, agricultural, wooded or timbered, mines, coal, iron, and other minerals by purchase, donation, lease, or otherwise, and may exchange their stock and bonds for such lands, or any other property, receive such subscriptions to their stock and bonds, upon such terms and conditions as the parties in interest may agree; and it shall be lawful for all persons and bodies, corporate and politic, to become subscribers to the stock of said company.

Proviso.

Further powers
of company.

Who may
subscribe.

May build tram-
ways and rail-
roads with
branches.

6. The said company shall, for the purpose of carrying out the object hereinbefore set forth, have power and authority to locate and construct, stock, equip, and maintain, (or lease to other corporations the right to equip, stock and maintain,) any wood or iron tramway, or any railroad or railroads, with branches to and from any point or points within the counties of Summers and Mercer, and to any timber or coal, iron, or other mineral lands, mills, works, or manufacturing establishments within the said

counties named, which said counties may become subscribers and owners of the said capital stock of said company hereby created, or any part thereof, whenever a majority of the legal voters of the said counties of Summers and Mercer, or either of them, shall, at an election ordered therefor, vote in favor thereof; and immediately after the organization of said company as aforesaid, upon notice being given by the president of this company, the supervisors of said counties shall as soon thereafter as practicable order an election in said counties, to test the sense of the people thereof as to whether or not the said counties, or either of them, desire to become subscribers for, and owners of the capital stock of said company, or any part thereof. The supervisors of said counties shall have power to fix the amount to be voted for, when if a majority of the votes cast at such election shall be in favor of such subscription, the board of supervisors of said county or counties shall proceed to raise the amount so subscribed by issuing the bonds of said county or counties, payable at such time, (not exceeding thirty years,) and in such manner as they may deem best, and with said amount so subscribed, purchase of the capital stock of said company in the name of such county, or counties so subscribing, or transfer to said company, said bonds in payment of and in exchange for the stock of said company subscribed for by said county or counties, whichever may be deemed best, and agreed upon by the said supervisors, and the president and board of directors of this company.

Subscriptions by Summers and Mercer counties.

Question to be submitted to voters.

Election.

Supervisors to fix amount voted for.

Majority vote required.

May issue bonds and purchase stock.

7. The said company may make connection with any public improvements, railroad or railroads, canal or canals, now, or that may hereafter be constructed within the said counties of Summers and Mercer, and may bridge any stream or streams, river or rivers, that may be necessary to make such connections, and to connect their own works, and in the construction of their bridges they may provide for the passage of wagons and other travel, collecting tolls therefor, as provided by law, and may, and shall have, hold and enjoy all the rights, power and privileges, granted and conferred in, and by the eighth section of chapter two hundred and one, passed March first, 1871: Provided, that whenever any portion of the said company's works, line or lines of improvements, shall be comple-

May connect with other public improvements.

May construct bridges.

Rates of toll.

Further rights and powers.

ted, they may occupy and use the same as though the whole work was completed.

CHAPTER XCI.

An Act to authorize the corporate authorities of the town of Martinsburg to issue bonds for the purpose of repairing streets and public highways, in the said town, and the construction of water and gas works.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to
issue bonds.

1. That the town of Martinsburg, in its corporate capacity, be, and it is hereby authorized by the action of its mayor and council, to issue bonds under the corporate seal of said town, to any amount not exceeding the sum of one hundred thousand dollars in the aggregate, at any

Amount.

Rate of interest.

Improvement
of streets.

Coupons.

When principal
payable.

rate of interest not exceeding nine per centum per annum, for the purpose of improving the streets and highways of the said town, and the introduction of gas and water into said town, by the erection of the said works, machinery and appurtenances necessary for the accomplishment of such purposes, such bonds shall have coupons attached for the payment of the interest thereon semi-annually, at such places as may be expressed on the face thereof; and the principal of said bonds shall become due and payable at such time as may be declared on the face thereof, not exceeding thirty-four years after the date of their actual issue.

Ordinance;
when it must
declare.

2. Whenever the said corporate authorities shall provide by ordinance, for the issue of bonds to any amount, or for any purpose authorized by this act, such ordinance shall declare distinctly the purpose for which such bonds shall be issued, and the amount proposed to be so issued; and the said bonds shall exhibit on their face the purpose to which the proceeds of their sale and negotiations shall be appropriated, whether for the improvement of streets, or the erection of gas or water works. But no ordinance

Bonds; what
their face must
exhibit.

shall have any force or effect until it shall have been published in the newspapers of the town for four weeks consecutively, and been approved by a majority of the legal voters of said town, who may vote at an election to be held at the annual voting place in said town within ten days after the expiration of the publication for four weeks of such ordinance as is herein provided; and in the publication of the said ordinance, notice shall be given of the day on which such election shall be held. And in all such elections the conduct and returns thereof, shall be as is provided by law for all other elections held in said town for officers or other purposes.

Ordinance; requirements to give it force and effect.

3. Whenever any issue of bonds shall have been authorized by the action of the corporate authorities, and the vote of a majority of the legal voters of said town, it shall be lawful for the said corporate authorities to contract for, or otherwise proceed to carry out the purpose for which the issue of such bonds was authorized: Provided, that neither the mayor of the said town, nor any member of the council, nor any officer of the corporation shall be directly or indirectly interested in any such contract, or concerned pecuniarily in the execution and completion of the same.

May repair streets and construct water and gas works.

Proviso.

4. If, instead of undertaking the erection and construction of gas or water works it shall be deemed by said corporate authorities more expedient to subscribe to the capital stock of any water or gas company, incorporated for the purpose of introducing water and gas into said town, it shall be lawful for the said authorities to provide by ordinance for such subscription, not exceeding in amount the sum of fifty thousand dollars in the aggregate, and for the issue of bonds to pay the same: Provided, said ordinance shall be published and approved by a majority of the legal voters of said town, as provided in the preceding section of this act; and when so approved, as shown by the result of an election held for the purpose of ascertaining the sense of the voters in regard thereto, such ordinance shall be legal, and of full force and effect.

May subscribe to capital stock of any gas or water company.

Proviso.

5. No bonds issued under the authority granted by this act shall be sold by the said corporate authorities, directly

Sale of bonds

or indirectly, at a less rate than that of ninety-four cents upon the dollar.

Commencement. 6. This act shall be in force from its passage.

CHAPTER XCII.

An Act to prevent hogs running at large in Jane Lew township, Lewis county.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Hogs not to run at large.

1. It shall be unlawful for the owners of hogs in Jane Lew township, Lewis county, to permit their said hogs to run at large in said township; and all persons so permitting their said hogs to run at large on the commons, or in the lanes and public highways in said township, shall do so at their risk, and they are hereby debarred from recovering any damages for injuries done thereto, except for wilful or wanton injury or cruelty to such animals, when the same are unoffending.

Damages for injury to same not recoverable except it be wilful.

Commencement. 2. This act shall be in force from and after March 1, 1872.

CHAPTER XCIII.

An Act for the relief of Joseph W. Stevens.

Passed February 27, 1872.

Preamble.

WHEREAS, it is represented to the legislature that Joseph W. Stevens became the purchaser, at a judicial sale made in a cause depending in the circuit court of Fayette county, of Johnson Reynolds' executor against J. J. Schermerhorn, of a tract of 13,690 acres of land in Summers and Greenbrier counties, on which there appears to be a considerable amount of taxes due and chargeable; and the said land, during the pendency of the suit aforesaid may have become forfeited either in the name of the said John J. Schermerhorn, or in the name of his deceased father,

John F. Schermerhorn, so that the taxes cannot now be paid into the treasury; and,

WHEREAS, it is provided by the sixth section of the ninth article of the constitution of this state, ^{Part of the constitution recited} "that the former owner of any tract of land in this state, sold under the provisions of said article, shall be entitled to receive the excess of the sum for which such tract may be sold over the taxes and damages charged and chargeable thereon, and the costs," by reason whereof the state, upon a sale of the land aforesaid, would receive only so much of the proceeds as the said Stevens is now willing to pay into the treasury on account thereof; therefore,

Be it enacted by the Legislature of West Virginia :

That it shall be the duty of the auditor of public accounts to ascertain the amount of the taxes charged on the tract of land aforesaid, and such as ought to have been charged, and which still remain due and unpaid, and the said Joseph W. Stevens shall thereupon have the right to pay the same into the public treasury to the credit of the school fund, and when the same is so paid by him, or his personal representative, the interest of the state acquired as aforesaid shall be transferred to, and invest in, the said Stevens to the same extent that it would have done had there been no delinquency or forfeiture; and the auditor's receipt shall have the effect of a deed transferring the title as aforesaid, and may be recorded as a deed with the like effect of a recorded deed: ^{Proviso.} Provided, however, that nothing in this act contained shall in any way effect the title or claim of any third person who may have adverse title or claim to said land or any part thereof—it being the intention of the legislature by this act to transfer to the said Joseph W. Stevens, or his heirs, the title only acquired by the forfeiture aforesaid, subject to the rights of third persons.

^{Auditor to ascertain amount of taxes due.}

^{May pay same into treasury.}

^{Right of State transferred.}

^{Effect of auditor's receipt.}

CHAPTER XCIV.

An Act to authorize the Governor to detail convicts to work on the Hospital for the Insane at Weston.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

That the governor of this state be, and he is hereby au-

Governor may
detail convicts.

thorized and empowered, to detail so many of the convicts in the penitentiary of this state as he may deem necessary, not to exceed fifty of such convicts, to work on the property of the hospital for the insane at Weston, and that he be further authorized to detail so many of the guards at the penitentiary as he may deem necessary for the safety of such convicts.

For what
purpose.

May detail
guards.

How disciplined
and governed.

The said convicts and guards, when so detailed, shall be subject to the same rules and discipline as they are now subject to at the penitentiary.

CHAPTER XCV.

An Act for the protection of certain personal representatives.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Personal repre-
sentatives pro-
tected in certain
cases.

1. That no executor, administrator, trustee or curator, or his sureties, shall be held liable to any one for any loss sustained by any sale of property, real or personal, for any moneys or securities which have become worthless and of no effect while such executor, administrator, trustee or curator was acting under authority of the government and laws of Virginia at Richmond, between the first day of May, 1861, and the first day of May, 1865 : Provided, that such executor, administrator, trustee or curator, in any action at law or suit in equity against him or his sureties, shall by competent testimony, make it appear to the satisfaction of the court or jury, if it be a jury case, that he made such sale in good faith, and without fraud or personal gain, except as to his proper commissions.

Proviso.

CHAPTER XCVI.

An Act to amend the law relating to the sale of contingent interests in real estate.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

1. Where lands or any estates therein have heretofore been or may hereafter be conveyed or devised in trust, with contingent interests in favor of persons unborn, and such lands have been or may subsequently be conveyed by deed in fee simple or contracted to be so conveyed by the trustee and cestuis que trust, or any of them to a bona fide purchaser, believing at the time of such conveyance or contract that the person or persons so conveying or contracting, had power to contract for and convey to him an absolute title to said real estate, and said real estate is in the occupancy of such purchaser or persons claiming under him, who, during such occupancy have made lasting and valuable improvements on the same, or any part thereof, and such contingent interest or estate is of such character that it may never become a vested one, and the title of the purchaser may therefore become absolute, the circuit courts are empowered to decree a sale of said lands or estates therein.

Power of circuit courts to order sales of land in certain cases, with contingent interests in favor of persons unborn.

2. A bill may be filed under the provisions of section one of this act, by the grantor in such deed, or person so contracting to convey, or by such purchaser. If filed by such grantor or person contracting to convey, he shall before any decree for sale is made, pay into court the amount received by him under, or on account of such deed or contract, with interest, and if filed by the purchaser the grantor or person contracting to convey may be decreed to pay such amount into court. The proceedings upon such bill shall be as prescribed in either or both chapters seventy-one and eighty-three of the code of West Virginia, and shall have the same effect.

Filing of bill.

Pay money into court.

Mode proceeding.

3. Such bona fide purchaser, or person claiming under him, shall be a party complainant or defendant, and the court authorizing such sale shall make such proper order as will secure and refund to such purchaser, out of the money paid into court, and the proceeds of sale, the

Purchaser made a party.

Orders of court thereunder.

amount of purchase money paid by him, with interest, and the value of such improvements as are mentioned in section one, less a proper charge or rent for such occupancy; and the remainder of such money paid into court, and proceeds of sale shall be invested as the proceeds of sale are required to be invested by section twenty of said chapter seventy-one.

sale to same purchaser, when may be made.

4. In any case where since the delivery of such deed, or the making of such contract, the value of such land or estate therein shall have materially changed, or where for any other reason it would be inequitable to decree a public sale of said property, the court may, with the consent of the parties to the record order a sale to be made to the same purchaser, either upon the terms of the original deed or contract, or upon such other terms and conditions as may be equitable, which sale shall have the same effect as if made under section one of this act, or the court may dismiss the bill.

CHAPTER XCVII.

An Act authorizing the Board of Supervisors to refund certain moneys erroneously assessed to Burgess Allison, Sr., of Hancock county.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the board of supervisors of Hancock county is authorized to issue an order on the sheriff of said county, in favor of Burgess Allison, Sr., for the refunding of county taxes erroneously paid by him, on ninety-three (93) acres of land, situated in said county, from 1863 to 1870, inclusive.

Taxes to be refunded.

CHAPTER XCVIII.

An Act to incorporate the Shenandoah River Navigation Company.

Passed February 27 1872

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful to open books under the superintendence of Edward Teurny, George W. Eichilber-

Corporators.

ger, George H. Turner, John E. Cockrill, M. Rowe, S. V. Yantis and Edward W. Miller, or any four of them, at Harper's Ferry in the county of Jefferson, for receiving subscriptions to the capital stock of the company hereby incorporated, for the purpose of improving the navigation of the Shenandoah river.

Subscription books.

2. The capital stock of the said company shall not be less than three thousand dollars, to be divided into shares of one hundred dollars each, and which at any time hereafter, by vote of the stockholders, may be increased to an amount not exceeding ten 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 capital stock, or so much thereof as may be deemed necessary for the lawful purposes of the said corporation, books shall be opened under the direction of the persons named in the first section of this act, or a majority of them, at such time and place as the persons who act in that behalf shall deem expedient; and in case the company shall organize before a sufficient amount is subscribed to the said capital stock, for the lawful purposes of said corporation, the president and directors thereof shall have authority and power, at any time thereafter, and without opening new books of subscription, to receive further subscriptions to said capital stock, until the full amount authorized by this act shall have been subscribed.

Capital stock.

Shares.

Increase of stock.

How stock voted

Time and place of opening books.

Subscription after organization.

3. As soon as ten shares, or one 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 Shenandoah River Navigation Company," with all the rights, privileges and immunities, and subject to responsibilities of a body politic or corporate, and may make such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state, and of the United States, as they may deem necessary and advisable.

Incorporation.

Rights and responsibilities of company.

By-laws.

4. The said company shall have power to improve the navigation of the said river by removing any and all obstructions existing to the navigation of said river, or by

Improvement of river.

Acquisition of land and materials.

Order of prosecuting improvement.

Collection of tolls.

Rates of toll.

Failure to pay tolls; how enforced.

Time for commencement and completion of work limited.

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

locks, dams, sluices, canals, or by the usual modes of improvement now used or heretofore used, to render rivers navigable, and may acquire lands and materials for said improvements, under the general laws now in force.

5. The said improvement shall commence at the boundary line, on the said river, between Jefferson county in this State, and Clarke county in the State of Virginia, and be prosecuted toward the mouth of said river, so far as may be deemed practicable, or the resources will permit; and so soon as the said river is improved to Shenandoah city, the said company shall be authorized to demand and receive a rate of tolls, not exceeding the following, to wit: On flour, one and one-half cents per barrel; on all grains, one half of one cent per bushel; on iron, twenty-five cents per ton; on lumber, twenty-five cents per thousand feet; on all boats loaded with cooper stuff, hoop poles or other articles, not herein specially enumerated, one dollar on each boat; and on failure to pay such tolls, when demanded, the articles whereon the same are charged, and the contents of cargoes of the said boats shall be liable therefor, and may be proceeded against by attachment, as in other cases of attachment for debts.

6. 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 Shenandoah city, then the interest of said company in the navigation and tolls aforesaid, shall be forfeited and cease.

7. 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 of their creditors.

CHAPTER CXIX.

An Act to require the Chesapeake and Ohio Railroad Company to establish a depot at the town of Guyandotte, in the county of Cabell, and to amend and alter the charter of said company.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia:

Charter altered and amended.

1. That the charter of the Chesapeake and Ohio Rail-

road Company be, and the same is hereby so altered and amended that said company shall as soon after the passage of this act as reasonably may be, erect a suitable station house or depot building at a point convenient to the town of Guyandotte, in Cabell county, on the upper side of the Guyandotte river, for the convenient accommodation of passengers, and the shipment and discharge of freights, and it shall be the duty of said company to designate such point as a stopping place, by the name of Guyandotte on their running schedule, for such trains as are to stop at way stations, and to make stops accordingly, as at other such stations.

Company to erect station house or depot building convenient to the town of Guyandotte.

Duty of company.

2. If such company shall violate any of the provisions of this act, it shall be liable to any party aggrieved thereby, for damages, to be recorded by an action on the case, in the circuit court of said county of Cabell.

Liability of company for violating provisions of this act.

3. The corporation of Guyandotte may enforce the observance by said company of the provisions of this act against said railroad company, if it shall fail to comply therewith within a reasonable time, by a writ of mandamus, or by bill in equity in the circuit court of the county of Cabell.

Company may be proceeded against by mandamus to enforce this act.

4. All laws heretofore passed by the legislature in conflict with this act are hereby repealed.

Laws repealed.

CHAPTER C.

An Act to amend and re-enact section five, of chapter thirty-three of the Code.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

“1. The state tax on every license for theatrical performances, shall be twenty dollars for each week in cities or towns of over five thousand inhabitants, and ten dollars for each week where the population is five thousand or less, and no such license shall be issued for any fraction of a week : Provided, that the provisions of this section shall

Tax on licenses for theatrical performances.

Proviso.

not apply to literary, dramatic or benevolent societies where they do not give exhibitions outside of their county."

CHAPTER CI.

An Act to establish a branch State Normal School at Shepherd College, in Jefferson County.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Shepherd college
branch normal
school estab-
lished.

1. That a branch state normal school be, and the same is hereby established at the building known as Shepherd college, in Shepherdstown, in the county of Jefferson; and the said school is hereby placed on the same footing, and subject to the same regulations as the other branches of the state normal schools. Provided, that the said building, and the lot on which it is erected shall be fitted up in a suitable manner for the purposes of such school, and conveyed in fee, or for a term of not less than ten years by demise, assigned or original, free of charge to the state, for such fitting up, on occupancy.

Proviso.

When board of
regents to or-
ganize school.

2. Whenever it shall be made known to the board of regents of the normal schools of this state that the said building has been so fitted up, and so conveyed or demised, it shall be the duty of the said board of regents to proceed immediately to organize said school.

CHAPTER CII.

An Act to amend and re-enact section two⁷ of chapter one hundred and seventy-one of the Acts of one thousand eight hundred and seventy-one, entitled "An act to provide for the settlement of the accounts of certain officers and persons for school moneys in their hands or under their control."

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Act amended.

That section two of chapter one hundred and seventy-one of the acts of one thousand eight hundred and sev-

enty-one, entitled "An act to provide for the settlement of the accounts of certain officers and persons for school moneys in their hands or under their control," be amended and re-enacted so as to read as follows :

"2. When any such settlement shall be made by such committee, it shall be returned to, and filed with, the clerk of the circuit court of the county wherein such settlement shall have been made ; and upon the failure of any person found to be in arrears for any such moneys upon such settlement as aforesaid, to pay the same to the sheriff of the county or to such other officer as the said circuit court may direct, the said committee are hereby authorized, and it shall be their duty, to employ counsel and forthwith proceed to enforce the collection of the amount found due as aforesaid, together with legal interest thereon from the date the same became due, and also ten per cent. damages on the same amount from the same date from such person or persons, or his executors, administrators, representative or security, by motion, on ten days' notice, or by action in the circuit court of the county wherein such settlement is had, in the name of the board of education of the township or independent school district wherein such default shall have occurred. But in case said committee shall be unable by reason of the failure of any such board of education, officer or person to appear before them in pursuance of such notice, or to produce to them any book, record, voucher or account, or other necessary paper or statement to make such settlement, it shall be their duty to employ counsel and proceed at once to file their petition in the circuit court of their county, or in the clerk's office thereof in vacation, against any one or more of such board of education, officers or persons and their securities, or the personal representatives of any member of such board, officer, person or security, as they may deem necessary and proper to compel such settlement, and thereupon a summons shall issue against the defendant or defendants in said petition, to appear and answer the same on the first day of the next term of the circuit court of said county thereafter; which summons may be served in the same manner as other summonses issued by the clerk of said circuit court may by law be served, and such proceedings on said petition shall thereafter be had as in suit in

Settlement to be returned to clerk of circuit court.

Failure of any person found in arrears to pay.

How proceeded against.

How committee may compel settlement.

Summons; how served.

Proceedings on petition.

chancery regularly brought in such court for the settlement of any account.

CHAPTER CIII.

An Act in relation to Knote's Geography of West Virginia.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Knote's geography to be used in free schools.

Knote's geography of West Virginia shall be used in the free schools throughout the state, in addition to the series of text books now prescribed, or that may hereafter be prescribed by law.

CHAPTER CIV.

An Act to amend and re-enact sections four, five and nine, of an Act passed March 2d, 1870, and as amended and re-enacted March 1st, 1871, entitled "An Act to incorporate the Elk River Navigation Company."

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Sections amended.

1. That the fourth and ninth sections of said act, passed March 2, 1870, to incorporate the Elk River Navigation Company, be amended and re-enacted, so as to read as follows :

Time for completion of work to Jarrett's Ford.

9. If the president and directors shall not commence and complete said improvement by the 1st day of March, 1873, as far as "Jarrett's Ford," then the interest of said company in the navigation and tolls of said river shall be forfeited and cease.

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, by paying to the parties owning the same their true value, to be ascertained by a jury of twelve, who shall be empaneled for that purpose by the circuit court of the county in which the dams, or other property to be removed, is situate, and may improve by locks, dams, sluices, canals, or by the usual modes of improvement, or by a combination of any two or more of them: Provided, said locks and dams shall be so constructed as to allow crafts (150) one hundred and fifty feet long and thirty feet wide to pass, and may acquire land and material under the general law now in force.

Value of dams and other obstructions removed; how ascertained.

How locks and dams must be constructed.

Acquisition of land and materials.

That section five of said act, as amended and re-enacted March 1, 1871, is hereby amended and re-enacted so as to read as follows:

Section amended.

5. Said improvement shall commence at or near the mouth of said river, and be prosecuted toward the head, so far as may be deemed practicable, or the resources will permit; and as soon as the said river shall be improved to "Jarrett's Ford," the said company shall have power to charge and collect tolls on steamboats, barges and other floats, and all commodities, only according to the distance which the same may be transported on such parts of said river, as follows:

Order of prosecuting improvement.

Collection of tolls.

On both staves and headings per cord per mile, two cents.

Rates of toll.

On wood and tan-bark, per cord per mile, one cent.

On coal and coke, per thousand pounds per mile, one cent.

On salt, lime, hydraulic cement, grain, wool, furs, poultry, skins, furniture, groceries, provisions, merchandise, agricultural products, per one hundred pounds per mile, two mills.

On all steamboats, barges and other floats, for each and every lock to be passed through, one dollar and fifty cents.

On crude and refined oil, whether transported or in barrels or other packages, per barrel, if forty gallons, per mile, five mills.

On empty oil barrels, per barrel per mile, one and one half mills.

On malt and spirituous liquors per barrel, of forty gallons, per mile, two and one half cents.

On flour, per barrel per mile, seven mills.

On timber and logs, per one hundred cubic feet per mile, two cents.

On boards, plank, scantling and lumber of all kinds, when transported in rafts, per one thousand feet reduced to board or inch measure, per mile, two cents; and the same, when transported on boats or barges, per mile, one and one half cents.

On clap boards, shingles and laths, per thousand per mile, two cents; and all other articles not herein enumerated, per hundred pounds per mile, two mills: Provided,

Tolls on cargoes.

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

Provided.

that in all cases legal tolls shall be paid on the cargoes of all such boats, barges and other floats, exclusive of such tolls for the lockage of any raft where toll shall have been paid on the materials comprising raft, to an amount which shall equal or exceed one and one half dollars for each lock to be passed through: Provided, said tolls shall not apply to any articles coming from Elk river above the mouth of Big Sandy, but it shall be the duty of said company to allow them to pass out free of toll, except steamboats, barges and other floats, for which said company may collect one dollar and fifty cents for each and every lock to be passed through; but when that improvement is completed to the mouth of Big Sandy, said company may collect toll off of articles put into the river at all points on said river as far as improved by slack-water navigation, but not otherwise, until said improvement is completed to the mouth of Birch, in Braxton county, and then they may charge tolls on all articles. Nothing in this act shall be construed to prevent said company from collecting boomage off of all articles turned loose and run into said company's boom.

Same rates to be charged to all parties.

Company to construct and keep in repair fish ladders in each dam.

6. Said company shall charge all parties the same price for whatever service may be rendered, either mileage, boomage or lockage; and the said company shall construct and keep in good repair, at each dam placed in said river under its authority, one or more fish ladders, suitable for the convenient and unobstructed passage of fish by, through or over their dams.

7. The legislature reserves the right to alter or amend this charter and to regulate the tolls at pleasure, so that justice may be done to all parties interested. Act may be amended.

CHAPTER CV.

An Act to amend and re-enact an act passed February 28, 1871, entitled an act to create an Independent School District, in the township of Grant, and county of Harrison.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia:

1. That school district number six, in the township of Grant, and county of Harrison be, and the same is hereby, created an independent school district, by the name of the the school district of Sheets' mills, and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all common schools within the same. school district established. Board of education.

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

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

Annual levy.

4. The board of education of the district of Sheets' mills shall annually, as soon as possible after the apportionment of the state fund, levy such tax on all the property taxable in the said district as will, with the money received from the state for the support of free schools, and with all other available funds be sufficient to keep their school in operation for at least eight months in the year. Said tax shall be collected and disbursed in such manner and by such rates of commission as the said board may determine, and by such persons as they shall appoint.

Collection and disbursement of tax.

Treasurer; his duties.

5. The person so appointed by the board shall be the treasurer, and shall collect all school and building levies for the district. He shall give bond in such sum as the board may determine, conditioned for the collection and paying over of all sums placed in his hands for collection, and shall be liable on his bond for all sums received from the state for school purposes. The county superintendent shall issue his requisition upon the auditor in favor of the said treasurer for the amount of the state fund to which the district of Sheets' mills is entitled, specifying such amount, and the name of the treasurer.

Bond and liabilities.

District to pay an equitable proportion of the cost of building two school houses.

6. The district of Sheets' mills shall pay an equitable proportion of the cost of building two school houses in Grant township, one in Bond's district, and one in Rockford district, of said township; said amounts shall be levied by the district board under the provisions of the school law, collected by the district treasurer, and by him paid over to the order of the township board whenever said houses are completed.

Annual election.

7. The commissioners provided for in this act shall be elected annually, on the third Monday in August, by the qualified voters of the district, under the supervision of the board of education of the district. Said election shall be held at the school house in the district. The first election of commissioners shall be conducted by William B. Vanhorn, J. E. Smith and E. F. Sheets.

First election.

Present board to continue until their successors qualify.

8. The board of education now in office shall continue until their successors under this act are duly qualified.

CHAPTER CVI.

An Act to add a part of the county of Lincoln
to the county of Wayne.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

1. That all that part of the county of Lincoln included within the following boundary lines, to wit : Beginning at the head of Four Mile creek, on the ridge between the waters of said creek and the waters of Twelve Pole river, near the farm of Alexander Watson, at the commencement of the straight line from said ridge to the Right Hand Fork of Twelve Pole, and running from said point with the line between the said counties of Wayne and Lincoln, as run and marked by D. G. Maupin, to the Right Hand Fork of Twelve Pole, where the line between the counties of Wayne and Logan formerly crossed the said fork : thence with the original line between the counties of Wayne and Logan, to the top of the dividing ridge between the waters of the Left Hand Fork of Twelve Pole and the Guyandotte river ; thence with and along the top of said dividing ridge to the place of beginning ; being all that portion of the county of Wayne added to the county of Lincoln, by the act entitled, "An act amending the act establishing the county of Lincoln, passed February 23, 1867," which said last act was passed the 26th day of February, 1869, be and the same is hereby added to, and made a part of the county of Wayne.

2. That all taxes and levies on persons and property, and on license assessed in said county of Lincoln within the said territory as bounded as aforesaid, remaining uncollected shall be collected and accounted for in the same manner, and by the same officers, as the same would and might have been collected, if this act had not been passed.

Division line altered.

Territory annexed.

Taxes uncollected in county.

How collected and accounted for.

CHAPTER CVII.

An Act authorizing the Trustees of the Methodist Episcopal church in the town of Middleway, Jefferson county, to sell and convey the same.

Passed February 27, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to sell.

That the trustees of the Methodist Episcopal church, in the town of Middleway, Jefferson county, be, and the same are hereby authorized to sell and convey their church property.

CHAPTER CVIII.

An Act providing a remedy for obstructions to the navigation of Little Coal River.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Obstructions to navigation of Little Coal river.

1. That in case there is now any mill-dam in Little Coal river, from the forks of Coal up the said Little Coal river, to the mouth of Pond fork ; thence up the same to L. D. Coon's, and from the mouth of the Spruce fork to the mouth of Laurel creek, on said river, which, in its present condition obstructs the navigation of said river, or either branch thereof, and which is not constructed in the manner required by law, or the order of the court permitting the erection and construction of the same, it shall be the duty of the owner of such dam within six months from the passage of this act, to construct and place in said dam a good, strong and sufficient slope, not less than thirty feet wide, and at least fifty feet long, and not more than four feet from the bottom of the river at its head, and at such place in said dam as will admit the free and safe passage of timber in rafts or otherwise, down the said river and its branches from the points aforesaid.

How remedied.

If owner fails to slope dam it shall be deemed a public nuisance, and may be abated.

2. In case of the failure of the owner of such dam to build such slope as required by the preceding section, within the time therein prescribed, the said dam shall from and after the said time be taken and deemed a public nuisance, and may be abated as such, by any of the ways and means prescribed or permitted by law.

CHAPTER CIX.

An Act to amend and re-enact the sixth section of "An act concerning and authorizing the Alexandria, Loudoun and Hampshire Railroad Company, (now the Washington and Ohio Railroad Company,) to extend their railroad through this State to the Ohio river," passed February 19, 1870.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. The sixth section of the "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, shall be, and is hereby, amended and re-enacted so as to read as follows :

"6. Immediately after the passage of this act, or at any time thereafter, the boards of supervisors of the aforesaid counties, or of any or either of them, may submit the question of subscription to the capital stock of said company (now "the Washington and Ohio Railroad Company,") to the voters and citizen tax-payers of their respective counties, or any of the townships therein, to test the sense of the people thereof, as to whether or not the said counties, or townships, respectively, desire to become subscribers for, and owners of, the capital stock of said company, or any part thereof; and the board of supervisors of each county, shall have power to fix the amount of subscription to be voted for, to be expressed upon the ticket, which shall be headed "For Subscribing" (or against Subscribing,) as the case may be, dollars to the capital stock of "the Washington and Ohio Railroad company," and as soon and practicable, after it shall be ascertained, that the majority of the votes cast in any county or township therein, is in favor of the county, or township becoming a subscriber for, or owner of, the capital stock of said company, or any part thereof, the board of supervisors shall proceed to raise the amount so subscribed, by issuing the bonds of the county or township, payable at such time and in such manner as they may deem best, and to bear interest at a rate not exceeding six per cent. per annum payable half-yearly; and with the proceeds of

Sec. amended.

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

Supervisors to fix amount to be voted on.

If a majority of voters favor subscription the board to issue bonds for purchase of stock.

such bonds they shall purchase and pay for the stock of said company, in the name and for the benefit of the county or township so subscribing, or they may deliver the bonds to the company in payment of the subscription, should the company be willing to accept them as such payment. The amount of said stock, to be subscribed by a county, shall not exceed five hundred thousand dollars, and by a township, shall not exceed an amount requiring the imposition of a tax of more than twenty cents upon every hundred dollars of taxable property in the township."

Amount of subscription of each county and township.

CHAPTER CX.

An Act to release the title of the State in certain lands in Jefferson county, belonging to Edward W. Miller, sold for taxes, and purchased by the State, on condition that the taxes properly due thereon, be first paid.

Passed February 28, 1872.

Preamble.

WHEREAS, It appears that a tract of land belonging to Edward W. Miller, lying east of the Shenandoah river, on the Blue Ridge mountain, in Harper's Ferry township, Jefferson county, containing five hundred and seventy-six and a half acres, was, by error, in the years 1867 and 1868, assessed for the sum of thirty-one dollars per acre, instead of five dollars per acre, (the amount of the assessment theretofore made); and

WHEREAS, It further appears that the said property was, on the 14th day of September, 1869, sold by the sheriff of the said county for taxes assessed upon the said erroneous basis, and was purchased by the state;

Be it enacted by the Legislature of West Virginia:

That all the right, title and interest, held and owned by this state in the said tract of land may be redeemed by the said Edward W. Miller, his heirs or assigns, by he or they paying the amount of taxes that would be due on the said land, at the valuation of five dollars per acre, on all assessments for the purposes specified in section two, chapter one hundred and thirty-eight of the acts of 1871,

Authority to redeem a certain tract of land.

and on the terms and conditions and in the manner otherwise specified in the said section. Terms of redemption.

CHAPTER CXI.

An Act to amend an act passed March 3d, 1869, entitled, "An act to enlarge the powers and define the duties of the Kanawha Board, and to authorize them to prosecute the improvement of the Kanawha river."

Passed Feb. 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. Manifests, (under oath, if required,) of the cargoes of all boats navigating the Kanawha river, shall be filed with the receiver of tolls, designating the cargoes, the names of the owners, and the masters of the boats, or other vessels in which said cargoes shall be shipped, and of the boats and vessels, together with those of the shippers, or other agents, having the control or direction of the said cargoes, and the legal tolls shall be demanded and paid to the collector of tolls accordingly. In all cases of failure to comply with the regulations hereby established, and to pay the tolls aforesaid, it shall be the duty of said receiver to seize and hold the boat, or other vessel, concerned in the neglect and evasion thereof, until the law is fully complied with, and an additional amount of fifty per cent. on all tolls due is paid. The said company, their receivers or agents, may bring suit with attachment before any justice, or in the circuit court of Kanawha, Putnam or Mason counties, against the owner, or owners, of boats and cargoes, or either, designating them only by the name of owner, or owners, of such boat or cargo, for tolls due and unpaid by said boat, the owner, master or shipper, which attachment shall be prosecuted as in other cases of attachment for debt; and delivering a copy of the warrant, or writ, commencing the suit, to any owner, or person, on said boat, having charge thereof for the time being, and explaining the purport thereof by the officer serving the same, shall be sufficient service thereof. And property

Manifests to be filed with receiver of tolls.

What must be shown by manifest.

Tolls to be paid to collector.

Duty of receiver upon failure to comply with regulations and to pay tolls.

Suits with attachments may be brought for toll due and unpaid.

Warrant or writ

What deemed a sufficient service thereof.

Property afloat
liable to attach-
ment. afloat belonging to such owner, or owners, shall be liable
to such attachment.

CHAPTER CXII.

An Act authorizing the trustees of the Baptist Church on Boan Creek, in Ritchie county, to sell and convey their church property.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Trustees to sell
church lot.

That the trustees of the Baptist church, in Union township, in the county of Ritchie, are hereby authorized to sell and convey one lot situated on Boan creek, in said township and county above stated.

CHAPTER CXIII.

An Act providing for a charter for the Guyandotte and Ohio River Railroad and Mineral Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That Irwin Lusher, C. W. Smith, F. M. Farrell, R. M. Lusher, T. B. Kline, H. C. Parsons, Jos. S. Miller, Gouverneur Morris and John H. Oley, and their associates, successors and assigns, and all others who shall become stockholders, when five hundred 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 "Guyandotte and Ohio River Railroad and Mineral Company:" Provided, said subscriptions shall be made in good faith within five years after the passage of this act.

Incorporation.

Style of com-
pany.

Proviso.

Authority to
construct rail-
way.

Route of road.

2. The said company is hereby authorized to construct a railroad from some point on the Guyandotte river above Dusenbury's mill to some point at the Ohio river between the mouth of Four Pole creek and the mouth of Seven

Mile creek, and may construct branch lines not exceeding twenty miles in length, to any lands, towns or mines along its route. Branch lines.

3. The said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for and declared in chapter fifty-two (52) and fifty-three (53) of the code of West Virginia, so far as the same are applicable to railroad companies, and not inconsistent with the provisions of this act. Company subject to code, except where inconsistent with this act.

4. The capital stock of the said company shall not exceed two millions of dollars (\$2,000,000,) to be divided into shares of one hundred dollars each, and one vote may be cast on each share of stock. Capital stock. How stock voted

5. For the purpose of obtaining subscriptions to the said capital stock, books may be opened under the direction of the persons named in the first section of this act, or any three or more of them, at such times and places as the persons who act in that capacity may deem expedient. Subscription books.

6. Subscriptions to the capital stock payable in land or other property may be also received by the persons named in the first section of this act, subject to the approval and ratification of the company after organization. Subscriptions in lands or other property.

7. The said corporation is authorized and empowered to purchase and hold real estate and to sell and convey the same, and to engage in the mining of coal, iron ore and other minerals, and in the cutting of lumber, and in the sale of such minerals and timber. Authority to hold and convey real estate. May engage in mining and deal in lumber.

8. It shall be lawful for chartered companies, owning land on and along the line of said road in the counties of Lincoln and Cabell, to subscribe for and become the owners of the capital stock, or any part thereof, of this company, and the said company shall have the power to connect its railroad with the Chesapeake and Ohio railroad at some point in said county of Cabell. Subscriptions by chartered companies. May connect with C. & O. railroad.

9. Whenever five hundred shares of the capital stock shall have been bona fide subscribed for, payable in money, the said company may be organized by the election of nine Election of directors and officers.

Powers of directors.

directors, who from their own numbers may elect a president and vice president, may appoint and provide for the necessary officers of said company. The board of directors of the said company shall have power and authority to conduct all of the business of the 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, liabilities, or any of them.

First meeting of stockholders.

10. The first meeting of the subscribers to the capital stock shall be held in Barboursville, Cabell county, West Virginia, and all subsequent meetings at such place as a majority of the said subscribers may from time to time determine.

Subsequent meetings.

Lands of company subject to taxation.

11. The lands of said company shall be subject to taxation, except such parts and parcels as may be actually needed and necessary for railroad purposes.

Authority to borrow money and secure payment of same.

12. The said company may borrow money at a rate of interest not exceeding ten per cent. per annum, and may execute mortgages or deeds of trust on its property and franchises, to secure the payment of the same.

Act may be amended, but not so as to impair the 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 or impair the right of the creditors of the company 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 company, distributed among themselves according to their respective interests.

CHAPTER CXIV.

An Act to incorporate the New River Car Company.

Passed Feb. 28, 1872.

Be it enacted by the Legislature of West Virginia :

Corporators.

1. That A. T. Caperton, of Union, Monroe county, George W. Moredock, of Hartford city, Mason county,

West Virginia, R. H. Catlett, of Staunton, Virginia, Samuel Cit and F. L. Gleason, of Hartford, Connecticut, Howell Fisher, of Pottsville, Pennsylvania, with their associates and successors, are hereby made and constituted a body politic and corporate by the name of "The New River Car Company," and by that name may have perpetual succession, sue and be sued, plead and be impleaded, make and use a common company 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 or of the United States.

Incorporation.

Style of company.

Powers of company.

By-laws.

2. The capital stock of said company shall be not less than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and may be increased at any time hereafter by vote of the stockholders, to an amount not exceeding one million dollars, and shall be considered personal property and be transferable, as may be provided for in the by-laws of the company, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders, to be given in person or by proxy. And for the purpose of obtaining subscriptions to said capital stock, books shall be opened under the direction of the above named corporators, or a majority of them, at such times and at such place, or places, as the persons acting in that behalf may deem expedient, for the whole or any part of such subscriptions, either in land, or other property, or money: Provided, the quantity of land so subscribed, together with that originally held by said company, shall not exceed the quantity hereinafter authorized to be held, and if in lands or other property, then at such just price and valuation as may be agreed upon by those receiving such subscriptions; and in case the said company shall organize and proceed to act as a corporation before a sufficient amount is subscribed to said capital stock for the lawful purposes of said company, the president and directors of the company shall have power at any time thereafter, and as often as they may deem necessary, and without opening anew books of subscription to said capital stock, to receive further subscriptions the said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders, not to exceed one million dollars in the aggregate.

Capital stock.

Shares.

Increase of stock.

How stock voted

Subscription books.

Subscriptions in lands.

Subscriptions after organization.

Who may subscribe.

gate; and it shall be lawful, for all persons and bodies political, or corporate whatsoever, except counties, townships and municipal corporations, to become subscribers for, and owners of, shares of the capital stock of said company.

Directors.

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

How vacancies filled.

Powers of corporation.

4. The said corporators are authorized and empowered to purchase and hold real estate in fee simple or other less estate, not to exceed twenty thousand acres in all, and to sell and convey such real estate in fee or grant lesser interests and rights therein, and to engage in the mining of coal, iron ore, limestone and other minerals, and in the building and working of saw-mills, car-shops, furnaces and other manufacturing establishments, and in the sale of coal, iron ore, lumber, iron, cars, and all articles manufactured by themselves or others, to lay out and construct tram roads and narrow gauge railroads for the transportation of their products, manufactured articles and other commodities, and the product and commodities of others, for which such reasonable rates of tolls may be charged as are allowed by the laws of this state, in and through the counties of Fayette, Summers, Raleigh and Greenbrier, from and to their mines and works, from and to places and points of intersection with general lines of intercommunication.

Power to borrow money and secure payment of same.

5. The said company shall have power to borrow money for the purpose of carrying out the objects of this act, and 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.

Representation of bondholders.

6. The stockholders of 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.

7. Said company may have an office in any city of the United States, outside of this state, but shall have an office in this state where service may be made in case of suit. Office of company.

8. If said company shall not commence operations within three years from the passage of this act, then the powers, privileges and franchises herein granted, shall be forfeited and cease. Commencement of operations.

9. The legislature may at any future time, saving and securing the rights acquired by the said corporation hereunder, modify or amend this act. Act may be amended, but not to impair vested rights.

CHAPTER CXV.

An Act to secure and aid in the collection of the public revenue.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That in any proceeding had under the provisions of chapter thirty-five of the code of West Virginia, against sheriffs, or collectors, and their sureties, or any or either of them, for moneys due the state, any transfer, assignment or alienation of property, real or personal, or any judgment or decree obtained against, or suffered by such sheriff or collector, and their sureties or either of them, after service upon them respectively of summons or notice, shall be deemed fraudulent and void, as to any judgment that may be thereafter rendered in favor of the state in pursuance of such summons or notice. Proceedings against sheriffs, collectors and their sureties. Transfer, assignment or alienation of property by them fraudulent.

CHAPTER CXVI.

An Act for the relief of Joshua Mitchell.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That the sum of three hundred dollars is hereby appropriated out of any money in the treasury not otherwise Appropriation.

appropriated, for the payment in full of Joshua Mitchell, for his services as commissioner of the revenue, for the county of Boone, for the year 1861.

Auditor to issue his warrant.

The auditor is hereby authorized to draw his warrant on the treasurer for the amount hereby appropriated.

CHAPTER CXVII.

An Act to provide for the collection of back taxes in the county of Boone.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Late sheriff of Boone to turn over to board of supervisors all uncollected taxes and levies.

Duties of clerk of board.

Copy of receipt to be transmitted to auditor.

Authority to collect said taxes or levies.

County taxes when collected to be paid to board supervisors.

State and school taxes to be paid into treasury.

Taxes collected to go to credit of late sheriff.

1. That E. R. Bias, late sheriff of Boone county may turn over to the board of supervisors of the county of Boone, any uncollected taxes or levies for which he is liable, or accountable for, for the years 1866, 1867, 1868, 1869, or either of them ; and upon the surrender of the taxes and levies as aforesaid, the clerk of the board of supervisors of said county shall place the same into the hands of the sheriff of said county for collection, taking his receipt therefor, showing the amount due for county purposes, and the amount due for state and school purposes, in separate columns, a copy of which receipt shall be transmitted by the clerk of said board to the auditor of this state, and the said sheriff may collect the said taxes and levies by distress, or otherwise, at any time within one year from the passage of this act.

2. The taxes and levies for county purposes, collected by authority of this act, shall be paid by the sheriff of said county to the board of supervisors of said county ; the taxes for state and school purposes shall be paid into the treasury of this state on or before the first day of June, 1873.

3. The taxes collected under the provisions of this act shall be applied to the credit of the said E. R. Bias, sheriff as aforesaid.

CHAPTER CXVIII.

An Act to allow the Elk River Navigation Company to borrow money, and execute a mortgage for the payment of the same.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That it shall be lawful for the Elk River Navigation Company to borrow an amount of money not exceeding \$500,000 at a rate of interest not exceeding ten per cent., and to execute a mortgage upon all their works and property on Elk river, to secure the payment of the same. May borrow money and secure payment of the same

CHAPTER CXIX.

An Act to amend the charter of the city of St. Albans, in the county of Kanawha.

Passed Feb. 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. That the second and third sections of an act passed on the twenty eighth day of February, eighteen hundred and seventy-one, entitled, "An act to amend the charter of the village of Kanawha city, in the county of Kanawha," be amended and re-enacted so as to read as follows: Secs. amended.

2. Sections two, three, four, five, six, seven, eight, nine, ten, eleven twelve, thirteen, fourteen, fifteen and sixteen, of the said act are hereby repealed. Secs. repealed.

3. The said corporation shall be subject to the provisions of chapter forty-seven, of the code of West Virginia, and shall be an independent school district, subject to the provisions of chapter forty-five of the code of West Virginia. But the council thereof shall be ex-officio the board of education therefor, and all taxes levied for school purposes by the said council shall be collected by the same officer that collects taxes levied by the council for other corporation purposes, and such officer shall be ex-officio treasurer of the said independent school district: Provided, that all moneys raised by the authorities of said city, Subject to provisions of code. School district created. Council of town to be ex-officio board of education. Levy of taxes; who to collect. Treasurer ex-officio.

Handwritten signature and date: 1/10/72

School moneys
to be kept sepa-
rate, and used
only for school
purposes.

for free school purposes, shall be kept separate and apart from any and all other moneys raised by the authorities of said corporation, and that said moneys shall be used for no other purpose whatever, except for the use and benefit of the free schools of said corporation.

CHAPTER CXX.

An Act to change the places of voting in Irish Corner Township, county of Greenbrier.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Precinct
changed.

1. That the precinct known as Patton's School House, in Irish Corner township be, and the same is hereby changed to Price's Shop.

Precinct
established.

2. Be it further enacted, That James Mann's be, and the same is hereby established as a place of voting in the aforesaid township.

CHAPTER CXXI.

An Act for the relief of Mrs. Elizabeth S. Shepherd, of Jefferson County.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Auditor to issue
warrant.

The auditor of the state is hereby authorized to refund Mrs. Elizabeth S. Shepherd, thirty-seven dollars for taxes erroneously assessed, out of any money not otherwise appropriated.

CHAPTER CXXII.

An Act to amend and re-enact an act passed February 19, 1870, amendatory of "an act to amend the charter of the Little Kanawha Navigation Company," passed March 4, 1868.

Passed February 28, 1872.

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 28, 1866, as amended by an act entitled "an act to amend the charter of the Little Kanawha Navigation Company," passed March 4, 1868, 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.

Sec. amended.
Wood county authorized to change its loan to a subscription

2. The said 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 to subscribe to the capital stock of said company such additional sums as they may deem expedient and proper to be used towards the completion of said work, not to exceed twenty thousand dollars each, and the said counties and city are hereby severally authorized and empowered to issue their bonds in payment of such subscriptions, or additional subscriptions, upon such terms and conditions as may be agreed upon with said company, and the said boards of supervisors of the counties named as aforesaid in said act, and the mayor and council of the city of Parkersburg are further authorized and empowered to loan the bonds of the said counties and city respectively, to said company in such sums as they may deem expedient and proper, and the said counties and city are hereby severally authorized and empowered to issue their bonds to the said company in payment of such loan, or additional loans, upon such terms and conditions as may be agreed upon with said company, and further, the said boards of supervisors of the counties named as aforesaid, and the mayor and council of the city of Parkersburg, are respectively authorized and empowered to

Additional subscription authorized to be made by the city of Parkersburg and certain counties.
Amount.
Authority to issue bonds.
May loan said bonds.
Authority to guarantee payment of bonds of company.

guarantee the payment of the bonds of the said company in such sums as they may deem expedient and proper, by the endorsement of the bonds of the said company, in such form, and upon such terms and conditions as may be agreed upon with said company. The said boards of supervisors and the mayor and council of the said city of Parkersburg are hereby fully authorized and empowered to make said subscriptions, loans or guarantees by endorsement as aforesaid, at any regular meeting, or at any special meetings, in which three-fourths of the members of said boards of supervisors, or the mayor and council of the said city shall be present.

When subscriptions, loans and guarantee may be made.

Power to release liens upon the works and property of company.

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.

Right to collect dividends not impaired.

Tolls and lockage.

4. The said company shall not collect tolls or lockage on any article or thing coming from the west fork of said river, or on any article or thing put into said Little Kanawha river above the mouth of the said west fork, except one dollar and fifty cents on each boat or barge, laden or unladen, and on each raft, at each lock completed, and in working order. But when the improvement is completed to the mouth of said west fork of the Little Kanawha river, said company may collect such tolls as are allowed by law on articles put into said river, at places where the same is improved by slack water navigation.

Improvement to be completed within a specified time.

5. And it is further enacted, that said Little Kanawha Navigation Company shall construct and complete, and have in adequate working order all the necessary locks and dams between lock and dam number one, as the same is now numbered, and located above the town of Elizabeth,

in the county of Wirt, and the mouth of said Little Kanawha river, within two years from the date of the passage of this act. And if the said company fail so to construct and complete and have in adequate working order all the said locks and dams, from the said lock and dam number one, as now numbered, and located as aforesaid, to the mouth of said river, within said two years after the passage of this act, the said company shall forfeit all its privileges, rights and franchises to, and upon said river, and every part thereof, heretofore and hereinbefore granted said company.

If not completed company to forfeit all its rights, privileges, &c.

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

Inconsistent acts repealed.

CHAPTER CXXIII.

Act At for the relief of Samuel W. Johnson.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That the farm of Samuel W. Johnson, on which he now resides, be and the same is hereby excluded from the corporate limits of the city of Huntington.

Farm excluded from corporate limits.

CHAPTER CXXIV.

An Act to locate a Branch State Normal School in Concord, in the county of Mercer.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That a branch state normal school be established at the town of Concord, in the county of Mercer : Provided, that the building recently erected in said town for a court house and jail, and the land on which the same is situated, together with not less than five acres of land adjacent thereto, shall, for the purposes of said school, be conveyed by the person, or persons, having title to the same in fee ;

Normal school established. Proviso.

Further proviso for the purposes aforesaid : And, provided further, that the said buildings shall be furnished and fitted up for the convenience of such school without charge to the state.

School to be under control of the board of regents.

2. Said school shall be under the jurisdiction and control of the regents of the state normal schools, in the same manner and to the same extent, as the other state normal schools.

When school may be organized.

3. When the board of regents shall ascertain that the conveyance mentioned in the first section of this act, has been duly executed, and shall have sufficient assurance that said buildings will be completed in a reasonable time and sufficient building accommodations shall be furnished, it shall be the duty of said board of regents to proceed to organize said school.

CHAPTER CXXV.

An Act to authorize the trustees of the church property and parsonage of the M. E. church, in Williamstown, Wood county, to sell or dispose of said property and parsonage.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Trustees authorized to sell property.

The trustees, (the whole number agreeing,) of the property and parsonage of the Methodist Episcopal church, in the town of Williamstown, Wood county, may sell, or otherwise dispose of said property and parsonage, if such sale or disposition be for the use and benefit of the particular congregation of said church.

CHAPTER CXXVI.

An Act to prohibit dealings with students at certain institutions within this state, and to provide a penalty therefor.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. If any money be lent or advanced, or anything be sold or let on hire or credit, to or for the use of any stu-

dent or pupil, under twenty-one years of age, at the West Virginia University, the West Virginia State Normal School or any of its branches, or any incorporated college in the state, without the previous permission in writing of his or her parent or guardian, or the president or principal of such institution, nothing shall be recovered therefor, and there shall moreover be forfeited to the state twenty dollars and the amount or value of such thing. When such selling, letting, lending or advancing is by an agent, such forfeiture shall be by his principal, unless the principal shall, within ten days after he has knowledge or information of the selling, letting, lending or advancing, give notice, in writing, of the date, nature and amount thereof to the president, or other head of the institution, in which case the forfeiture shall be by the agent. This section shall not apply to a person selling or letting in expectation of immediate payment, if he shall within ten days thereafter, give notice, in writing, of the date, nature and amount of the sale or letting to such president or head.

Lending or dealing on credit with students who are minors prohibited.

Forfeiture for violation.

When principal or agent liable.

What notice must show.

To whom given.

Expectation of immediate payment no violation if notice be given to proper person.

2. If any person violates the first section of this act so as to be liable to the forfeiture thereby declared, he shall, moreover, be fined, not less than ten nor more than one hundred dollars; and upon conviction he shall be bound by the court in which such conviction is had, in a sum not less than five hundred dollars, with at least two sufficient securities to be of good behavior for a year, and any subsequent violation of the first section of this act shall be held to be a forfeiture of the said recognizance.

Further penalties.

Recognizance; how forfeited.

3. The circuit courts of the counties wherein any offense under this act shall occur, shall have jurisdiction to try and determine the same.

Circuit courts to have jurisdiction.

CHAPTER CXXVII.

An Act to refund certain taxes.

Passed February 26, 1872.

Be it enacted by the Legislature of West Virginia:

1. The board of supervisors of Wirt county are hereby authorized to refund to the New York and Hughes River

Certain taxes to be refunded.

Oil Company, the county and township taxes erroneously assessed against, and paid by said company on one thousand, six hundred and seventy acres of land, amounting to \$80.75, for the year 1869.

CHAPTER CXXVIII.

An Act to authorize the Chesapeake and Ohio Railroad company to construct, maintain and operate telegraph.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to
construct an
electric tele-
graph.

1. That the Chesapeake and Ohio Railroad company be, and it is hereby authorized and empowered to construct, maintain and operate, along the line, or lines, of its improvement and the branches thereof, and electric telegraph for its own use and that of the public; and make and collect charges on messages and intelligence conveyed thereby.

May make and
collect charges.

Commencement.

2. This act shall take effect from and after its passage.

CHAPTER CXXIX.

An Act authorizing the trustees of the old M. E. Church to sell a church in the town of Circleville, in Pendleton county.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to
sell church
property.

That the trustees of the old Methodist Episcopal Church, in the town of Circleville, in Pendleton county, be, and are hereby authorized to sell and convey the said church.

CHAPTER CXXX.

An Act prohibiting the Board of Supervisors of Jefferson county, from issuing any more bonds under authority of certain acts, passed March 2d, 1869, and June 26th, 1868.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. The board of supervisors of Jefferson county, are hereby prohibited from issuing any more bonds under an act entitled, "An act to incorporate the Shepherdstown and Halltown Turnpike Company," passed March 2d, 1869; also under an act entitled, "An act to authorize the board of supervisors of Jefferson county to borrow money," passed June 26th, 1868.

Board of supervisors of Jefferson county prohibited from issuing any more bonds under certain acts.

2. Nothing in this act shall be construed as to invalidate the bonds issued prior to the passage of this act.

Bonds issued not invalidated.

CHAPTER CXXXI.

An Act to establish an Independent School District in Ritchie county.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. That the school district in which the town of Harrisville, in Ritchie county, is now included, and such portion as may hereafter be added under the law as now exists, shall constitute an independent school district, and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district, and have exclusive control of all schools within the same.

School district created.

Board of education.

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

Powers, rights and duties.

Meaning of "township."

school district, whenever necessary to give effect to this act.

Board incor-
porated.

Further powers
of board.

3. The board of education of said town herein provided for shall be a corporation by the name of "The Board of Education of the School District of Harrisville," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estates, personal and real, and make ordinances, by-laws and regulations, consistent with the laws of this state, for the government of all persons and things under its authority, and the due and orderly conducting of its affairs.

Election of
commissioners.

Term of office.

Annual election.

4. The qualified voters of the school district of Harrisville, on the first Tuesday of April next, shall elect three commissioners as herein provided for, who shall serve until January first, 1873. Subsequent elections shall be held on the fourth Thursday in October in each year.

Commissioners
of elections.

How election
conducted.

Official term of
commissioners.

Code not to
apply to first
election.

5. The first election provided for in the preceding section shall be conducted by Z. N. Pierpoint, Benj. Patton and James Hill, who are appointed commissioners for that purpose, and said election shall be held at Harrisville, and said commissioners shall qualify, and said election shall be conducted, so far as practicable, according to the laws governing elections, in force on that day. The official term of the commissioners so elected shall commence on the first day of May, 1872, and terminate on the thirty-first day of December, 1872. The official term of commissioners elected at subsequent elections shall commence on the first day of January of each year. Section two of chapter forty-five of the code shall not apply to the first election provided for, but shall apply to all subsequent elections.

Clerk; his
election.

His duties.

How entitled to
vote.

6. The board of education of the school district of Harrisville, at their first meeting, or as soon thereafter as may be practicable, elect one of their number to act as clerk of said board, who shall perform all the duties which are required to be performed by a clerk of a township, which may be consistent with this act, but shall not vote on any question arising in the board, by reason of being clerk of said board, but shall be entitled to vote as commissioner. They shall also appoint a treasurer, and require from him

a bond with sufficient security, in such penalty as may be deemed requisite; all moneys collected by him to be at all times subject to payment on the order of said board of education of said town.

Treasurer; his bond.
How money paid out.

7. The board of education of said school district of Harrisville 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 the power to admit to said schools other pupils not resident in said school district, upon payment of such tuition as they may prescribe, and make all necessary rules and regulations for the admission of pupils therein, and for the examination that pupils must pass preparatory to admission into schools of higher grade; and to purchase and condemn all necessary real estate for school houses or college sites, and do any other act for the good government of said school.

Primary schools and high school.
Non-resident pupils.
Rules and regulations.
Acquisition of real estate.

8. It shall be the duty of the said board of education of the school district aforesaid, to determine, at their first meeting in July of each year, as near as practicable, the amount of money in addition to all other available funds, which ought to be expended for school purposes in the said district to continue the schools in operation in said district not less than eight months, for the succeeding year, for which amount the said board shall levy a tax upon the property included in said district, and the residents thereof, and collect the same, and a lien is hereby declared to exist on all real estate of the said district for all taxes levied thereon; and the said board shall carry into effect the provisions of this act in the same manner as other school tax is collected, under the provisions of the general school law of this state.

District levy.
Schools to be taught eight months.
Lien for taxes.

9. The taxes to be raised as aforesaid for school purposes, in said school district, shall not exceed the amount as prescribed by law for township school purposes, and the amount so levied and collected as aforesaid may be used entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education

Limit to taxation.
How taxes applied.

may from time to time determine, but shall not be used for any other purposes.

Treasurer's
commission.

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

Property to vest
in board.

11. The property, real and personal, within the school district aforesaid, shall by this act vest in the board of education of the school district of Harrisville.

CHAPTER CXXXII.

An Act to incorporate the New River Navigation Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Commissioners
to open sub-
scription books.

1. That it shall be lawful to open books at Summers Court House, in the county of Summers, under the direction of James M. Byrnside, Charles Clark, Lewis F. Clark, Henry C. Byrnside, Henry S. Shanklin, Frank Hereford, Wm. B. Crump, Gordon L. Jordan, Wm. Hughes, Wm. Houchins, Wm. H. French, N. B. French, Robert Gore, Davis Calfee and Elijah Baily, or any three of them, for receiving subscriptions to the amount of one thousand dollars in shares of ten dollars each, to constitute a joint capital stock for opening and improving the navigation of New River, from the depot on the Chesapeake and Ohio railroad to the Virginia state line.

Capital stock.

Manner of open-
ing books and
receiving sub-
scriptions.

2. The said books shall be opened, and subscriptions made in the manner prescribed by the general laws now in force, regulating corporations for internal improvement companies.

Incorporation.

3. As soon as fifty shares, or five hundred dollars, shall have been subscribed, the subscribers, their executors, ad-

ministrators and assigns shall be, and are hereby incorporated into a company, by the name and style of the "New 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 proper.

Style of company.

Rights and responsibilities of company.

By-laws.

4. That the company may demand and receive, at such points on said river as may be selected by the president and directors of the company, in general meeting, such tolls as may be reasonable, and approved by the board of public works: Provided, that said tolls shall not exceed the rate of tolls allowed by law for similar works of internal improvement. But in no case to exceed fifteen per cent. per annum, on the net cost of the improvement, including repairs, &c: Provided further, that tolls shall not be demanded until, and before the river shall be improved to and through the Bull falls.

Tolls to be approved by board of public works.

Limit to rate of tolls.

When toll may be charged.

5. If any person shall pass any place where tolls are collected, without the payment or tender of the legal tolls, such person evading the payment, or tender, of tolls as aforesaid, shall be liable to the penalties prescribed in such cases by the general law concerning a turnpike company.

Penalty for failure to pay or tender the legal tolls.

6. 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 the upper end of the Bull falls, then the interest of said company in the navigation and the tolls aforesaid shall be forfeited.

Time for commencement and completion of work.

Failure forfeits interest and tolls.

7. That the capital stock of the company may, at any time hereafter, by vote of the stockholders, be increased to an amount sufficient to improve the said river by sluice navigation to the Virginia state line, at the point where it crosses New river, and when improved to that point tolls may be charged to that point: Provided, that the legislature hereby reserves the right to resume entire control of said New river, whenever the interests of the state require the same to be done, or whenever the same shall be necessary to the completion of a through water line from the

Increase of stock.

Time for purchase.

Rights reserved by the legislature.

Ohio river to the waters of the Chesapeake bay, or for the improvement of the New river and its tributaries above the mouth of Gauley river, and until then the said corporation shall have and use the privileges herein granted.

Ac. amendable. 8. The right is reserved to the legislature to alter or amend this act.

CHAPTER CXXXIII.

An Act to create an Independent School District for the town of Pruntytown, in the county of Taylor.

Passed February 23, 1872.

Be it enacted by the Legislature of West Virginia :

School district established.

Boundaries.

1. The town of Pruntytown, the school district, and parts of school district, contained within the following boundaries, that is to say, to wit: Beginning at the most southernly part of the farm of George Yeates, and running thence in an easterly direction so as to include the Neal farm of Abraham Smith, thence a north-east course so as to include the old Warder farm, owned by H. Evans; thence so as to include the farm of David Elliott, to David Woodyard's land on the north-western turnpike road near William Porter's dwelling house, thence with the lines of said Woodyard so as to include his lands, to the point where said Woodyard's lands join A. Smith's Wiserman farm, thence with the lines of said Smith's farm, and including the same to the lands owned by John Sinclair's heirs, thence with the lines of said Sinclair heirs' lands, and including the same, and the lands of Henson Mason, George Bailey and Elijah Newton's lands, to the most western point of said Newton's land, thence to the south-west corner of John C. Riste's lot on the North-West Virginia turnpike road, thence to and including the lands of C. E. Reynolds, thence to and including the lands of A. Smith to Abraham Mason's land, and thence including said Mason's land to the beginning, shall constitute one school district, and the board of education shall consist of three commissioners, who shall be elected by the resident

Board of education; how elected.

voters of the district, and have exclusive control of all the schools within the district.

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

Rights and powers of board.

Meaning of "township."

3. The board of education of said district herein provided for, shall be a corporation by the name of "the Board of Education of Pruntytown," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estates, personal and real, make ordinances, by-laws and regulations, consistent with the laws of the state, for the government of all persons and things under its authority, and the due and orderly conducting of its affairs.

Board incorporated.

Powers of corporation.

4. The qualified voters of the school district of the town of Pruntytown, shall on the first Tuesday of April, 1872, elect three commissioners as herein provided for, who shall serve until their successors are elected and qualified; subsequent elections shall be held on the 4th Thursday in August of each year.

First election of commissioners.

Subsequent election.

5. The first election provided for in the preceding section shall be conducted by James Burditt, J. O. Martin and David Woodyard, who are hereby appointed commissioners for that purpose; and said commissioners shall qualify, and said election shall be conducted according to the laws governing elections, which may be enforced on that day. The term of office of the commissioners so elected shall commence twenty days after their said election, and the official term of those elected at subsequent elections, shall commence on the 1st day of January in each year.

Commissioners of first election.

How election to be conducted.

Terms of office.

6. The board of education of the said school district, shall, at their first meeting, or as soon thereafter as may be practicable, elect one of their own number to act as

Clerk; his election, duties and his right to vote

clerk of said board, who shall perform all the duties which are required to be performed by a clerk of a township, which may be consistent with this act, but shall not vote on any question arising in the board by reason of being clerk of said board, but shall be entitled to vote as commissioner; they shall also appoint a treasurer, and require from him a bond with sufficient security in such penalty as may be deemed requisite; all moneys collected by him to be at all times subject to payment, on the order of said board of education of said town.

Treasurer;
his bond.

How money
paid.

Primary schools
and high school.

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

Non-resident
pupils.

Rules and regu-
lations.

Acquisition of
real estate.

District levy.

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

Schools to con-
tinue eight
months.

Lien for taxes.

Collection of tax

Rate of taxation

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

amount so levied and collected as aforesaid, may be used entirely for educational purposes, or entirely for building purposes, or partly for either, as the board of education may from time to time determine, but shall not be used for any other purpose. ^{Application of taxes.}

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

11. The property, real and personal, within the school district of the town of Pruntytown, now vested in the board of education of Boothsville township, shall by this act vest in the board of education for the school district of Pruntytown. ^{Property transferred.}

CHAPTER CXXXIV.

An Act to amend and re-enact chapter one hundred and sixty-one of the Acts of 1871, entitled "an act in relation to oaths taken before Recorders."

Passed February 28, 1872.

WHEREAS, A question has been raised as to the power of a recorder to administer an oath in any case not before him for decision; and ^{Preamble.}

WHEREAS, A further question has been raised as to the power of a recorder to administer an oath on any case out of his office; therefore,

Be it enacted by the Legislature of West Virginia :

That chapter one hundred and sixty-one of the Acts of 1871, entitled "an act in relation to oaths taken before Recorders," be amended and re-enacted so as to read as follows: ^{Chap. amended.}

"That any oath heretofore or hereafter taken before any recorder, and certified by him; whether the same

Oaths taken before recorders in any case or in any place made valid.

shall have been taken and certified by him in any case before him for decision, or not, and whether it shall have been so taken and certified within, or without his office, shall be as valid and binding, and have the same force and effect, in all cases, and to all intents and purposes, as if taken before any other officer who is specially authorized to administer oaths."

CHAPTER CXXXV.

An Act providing for ascertaining the amount of public property, and its value, destroyed in the State by the Federal Army during the late civil war.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Duties of recorders as to public property destroyed by Federal army.

1. The recorder of each county in the state shall within eight months succeeding the passage of this act, at his office, make up and state in detail, an account of the number of churches, bridges, court-houses, jails, and institutions of learning, and the value of each, and the aggregate value thereof, destroyed within his county by the federal army, during the late civil war. To carry out fully the purposes of this act, the said recorder shall have the same power to summon before him, and compel the attendance of witnesses, as he has in other cases. The witnesses so summoned and attending shall have the same pay that witnesses are allowed in the circuit courts.

Their powers.

Compensation of witnesses.

Notice of time.

2. Before any recorder shall proceed to make up such account he shall give four successive weeks' notice of the time when he shall make up such account, by publication in some newspaper published in his county, or, if no paper be published therein, in a paper published nearest his court-house in this state.

Duty of recorders as to accounts when completed.

3. Each recorder shall, within one month after he shall have completed said account, return a copy thereof to the board of public works, and he shall retain a copy of the same among the records of his office.

4. It shall be the duty of the board of public works to have made up, from the said recorder's accounts, and forward to the senators of this state, in congress, an account, giving the amount and value of all such property destroyed, in the manner, and during the time aforesaid.

Duty of board of public works.

5. The recorders, for the services rendered under this act, shall be allowed a just compensation, to be fixed by the board of supervisors of their respective counties, which amount, together with all the costs attending the execution of the provisions of this act, by the recorder, shall be paid out of the treasuries of their respective counties.

Compensation of recorders.

How compensation and costs paid.

CHAPTER CXXXVI.

An Act to authorize the Board of Supervisors of Jefferson County to refund to Mrs. Elizabeth S. Shepherd, certain county and township taxes, erroneously assessed on personal property.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful for the board of supervisors of Jefferson county, and they are hereby authorized to refund to Mrs. Elizabeth S. Shepherd, certain county and township taxes, erroneously assessed for the years 1865 to 1869, inclusive.

Authority to refund certain taxes.

CHAPTER CXXXVII.

An Act changing the time of holding the courts in the twelfth judicial circuit of this State.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the terms of the circuit courts in each of the counties of the twelfth judicial circuit shall hereafter commence as follows :

Terms of court in

Logan.

For the county of Logan—On the first day of May, the first day of September and the fifth day of September, in each year.

Boone.

For the county of Boone—On the sixth day of May, the eighth day of September and the twelfth day of September, in each year.

Lincoln.

For the county of Lincoln—On the fourteenth day of May, the first day of October and the fifth day of October, in each year.

Wayne.

For the county of Wayne—On the eleventh day of March, the first day of June and the tenth day of October, in each year.

Cabell.

For the county of Cabell—On the tenth day of June, the first day of December and the tenth day of December, in each year.

Power of courts at second term as to grand and petit juries.

2. The circuit court of every county in said district, may, at the second term of said court, by an order entered of record, dispense with a grand or petit jury, or both, for the next ensuing term in said county. But in case there be a necessity therefor, the said court, by an order entered of record, as aforesaid, may adjourn the grand or petit jury, or both, from the second to the third term of said court, or may, by like order, direct that a special grand or petit jury, or both, be summoned by the sheriff to attend said term. The said court may, by a like order, adjourn any case pending on the docket, from the second to the third term of the said court, and require all the witnesses in such case, who have been summoned to attend said second term, to attend on such day of the next term of such court, as may be prescribed in said order, and it shall be the duty of said witnesses to attend as such on the day named in said order, under the same pains and penalties, as if said witnesses had been duly summoned to attend said court on such day.

The adjourning of cases on the docket, and the witnesses in such cases.

Inconsistent acts repealed.

3. All acts, and parts of acts, relating to the times of holding the courts in said circuit, inconsistent with this act, are hereby repealed.

CHAPTER CXXXVIII.

An Act to provide for the vaccination of children attending the public schools in Brooke county.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

It shall be lawful for the boards of education of the county of Brooke, or the persons performing that duty, whenever it may be deemed necessary, to provide by order that no child shall attend any of the public schools of said county who has not been vaccinated.

Scholars prohibited from attending public schools who have not been vaccinated.

CHAPTER CXXXIX.

An Act to make applicable to the county of Pendleton, the provisions of Chapter eighty-seven, of the acts of 1870.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. That the provisions of chapter eighty-seven, of the acts of the legislature of West Virginia, passed March 2, 1870, are hereby made applicable to the county of Pendleton.

Certain act to apply to Pendleton county.

2. The commissioners appointed by the board of supervisors of said county of Pendleton, to carry out the provisions of said act in said county, shall be freeholders thereof, and one shall be a resident of Franklin township, and the other two shall be residents of Mill Run township.

Commissioners to be freeholders. Where to reside

CHAPTER CXL.

An Act to legalize a late election held in Ohio county, to make a subscription to the Pittsburgh, Wheeling and Kentucky Railroad Company.

Passed February 28, 1872.

WHEREAS, an election was held in January, 1872, to take the sense of the voters of Ohio county on the question of subscribing, not exceeding \$225,000, to the capital

Preamble.

stock of the Pittsburgh, Wheeling and Kentucky Railroad Company, and the board of supervisors, of said county of Ohio, have since subscribed said sum to said capital stock of said company; and,

WHEREAS, some question has been raised as to the validity of such vote and subscription; Therefore,

Be it enacted by the Legislature of West Virginia:

Vote upon subscription and bonds, declared valid, legal and binding

1. That said vote of the county of Ohio and the said subscription, by the board of Supervisors to the stock of the Pittsburgh, Wheeling and Kentucky railroad, be, and is hereby declared legal and valid, and the bonds proposed to be issued thereunder, are hereby valid and binding upon the said county of Ohio.

CHAPTER CXXI.

An Act directing ten thousand acres of the Bruen survey of land to be taxed, in Roane county.

Passed February 28, 1872.

Preamble.

WHEREAS, The large survey of land, known as the Bruen land, charged upon the commissioners' books of the county of Jackson, in the name of T. L. and Mary Bruen, containing forty thousand acres, lies partly in the county of Roane; therefore,

Be it enacted by the Legislature of West Virginia:

Certain land heretofore taxed in Jackson co. to be hereafter taxed in Roane county.

1. That ten thousand acres of the said Bruen survey, now charged upon the commissioners' books in the county of Jackson, or so much thereof as may be ascertained to be in said county, in the name of T. L. and Mary Bruen, be hereafter, and for the year 1872, taxed in the county of Roane, as other lands in said Roane county are taxed. The assessor for the said county of Roane is hereby directed to enter the said ten thousand acres of land for assessment and taxation upon the commissioners' land book, in said Roane county, at the same valuation per acre as is now charged upon it in the county of Jackson, and the assessor for the last named county is hereby directed to deduct said

Assessor of Roane county; his duty.

ten thousand acres from the tract, charging on the commissioners, books only the residue of said tract in the said county of Jackson, for the year 1872, and thereafter at the valuation now charged upon it. Assessor of Jackson county; his duty.

CHAPTER CXLII.

An Act extending the connections of the Chesapeake and Ohio Railroad.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the Chesapeake and Ohio railroad company may as a part of its line of railroad build and work a railroad bridge across the Ohio river, at, or near Huntington, and above the mouth of Big Sandy river, in Cabell county, subject to the provisions of the act of congress entitled, "An act to establish certain post roads," approved July 14th, 1862. Authority to build bridge across the Ohio river.

If the said company shall choose, it may connect with said railroad bridge a toll bridge, and may demand and receive tolls on persons and things passing over the same, until the tolls produce such a revenue that the dividends declared to stockholders shall exceed twelve per cent. per annum on the cost of so much of the said bridge as may be built for a toll bridge, and thereafter the legislature shall have the right to reduce the tolls so that the dividends shall not exceed twelve per cent. per annum. May connect toll bridge with railroad bridge and receive tolls. Dividends not to exceed 12 per cent.

2. That the said company may, as a part of its line of railroad, build and work a railroad bridge across the Big Sandy river at, or near its mouth, and upon such location as may be most convenient with reference to the navigation of the river and the connection of the railroad with the system of railroads in the State of Kentucky. Authority to build bridge across Big Sandy river

3. That the said company, for the purpose of extending its connections in this and other states, may unite with other railroads organized, or to be organized, and may acquire an interest in, and aid in the construction or equipment of such railroads by purchase, by subscriptions to May extend its connections.

Proviso.

capital stock, by advances of money or credit, or by such other means, and upon such terms as may be agreed upon: Provided, this section shall not be so construed as to release said Chesapeake and Ohio railroad company, from any contract entered into by said company with the commissioners of Virginia and West Virginia.

May borrow money and secure its payment.

4. That for the construction and equipment of the bridges hereby authorized, or for any other purposes warranted by its charter, the said company may borrow money and secure its payment by mortgage upon the whole or any part of its property, including such bridges.

CHAPTER CXLIII.

An Act to provide for an Independent School District in the township of Ceredo, in the county of Wayne.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

School district established.

1. The incorporated town of Ceredo and all the suburbs included in, and known as school district No. 1, in Ceredo township, county of Wayne, shall constitute an independent school district for free school purposes, and the schools within the same shall be controlled by a board of education, consisting of three school commissioners, who shall be elected by the resident voters of said district.

Board of education; how elected.

Property vested in board

2. The school property, both real and personal, now within the said district, belonging to the board of education of Ceredo township, shall by this act vest in the board of education of the said district of Ceredo, which board shall have the rights, and exercise the same powers, and perform the same duties, and be governed by the same laws as the township boards of education, except so far as otherwise provided for by this act. Wherever the word "township" occurs in the general school law, it shall be construed to mean "school district," whenever necessary to give effect to the provisions of this act.

Power and duties of board

Meaning of "township."

3. The board of education herein provided for shall be a corporation by the name of the "Board of Education of the District of Ceredo," and by that name may sue and be sued, plead and be impleaded, purchase and hold so much real estate and personal property as may be necessary for the purposes of this act, and make such rules and regulations for the conduct of its affairs as may be necessary, not inconsistent with the general school law, or any other law now in force.

Board incor-
porated.
Powers of
corporation.

4. Z. D. Ramsdell, Hurston Spurlock and Charles B. Webb, who are hereby appointed for that purpose, shall constitute the first board of education for said district of Ceredo, who shall, on or before the first day of April, 1872, qualify for office as required for school commissioners under the state school law, and draw lots, or decide for themselves by some other mode, the length of the term of office of each, respectively, one for one year, one for two, one for three years, and place the result upon record; and proceed to organize by the appointment of a secretary for the board, and treasurer of the district. The treasurer shall give bond and be governed by the same provisions of law formerly applicable to township treasurers, except that the bond shall be approved by the prosecuting attorney of the county. Annually, after the year 1872, the qualified voters of the said school district shall, at the time of the corporation election of Ceredo, elect one school commissioner and the district treasurer, who shall qualify and enter upon the duties of office within thirty days from the election.

Board of educa-
tion appointed.

When to qualify

Terms of office:
how determined.

Organization.

Secretary and
treasurer.

Bond of treasu-
rer; how ap-
proved.

Annual election.

5. The term of office of the commissioners hereby appointed, shall commence when this act shall take effect, and when a vacancy occurs in the board, the remaining commissioners shall appoint some suitable person to fill the vacancy, until the next annual election, when the voters of the district shall choose a commissioner. In the appointment to fill a vacancy, the secretary shall have a vote, but in no other case.

Commissioners
appointed.
Commencement
of term.
Vacancies; how
filled.

Vote of secre-
tary.

6. The board of education of the district of Ceredo shall have the power to establish one or more graded schools, or a high school of such grade as the wants of the population may require, contract with teachers, admit

Graded schools
and high school

Non-resident pupils.

pupils to the benefits of the school who are not residents of the district, upon the payment of tuition, and make the rules and regulations necessary for the proper government of the school or schools in every respect.

Schools to continue eight months.

Annual levy.

7. It shall be the duty of the board of education of the said district of Ceredo, to determine on the first Monday in May in each year, or as near that time as practicable, the length of the school for the year, so that the same be not less than eight months, and the amount of money necessary to be raised by levy, which, with the funds received from other sources will be sufficient to continue schools in the said district not less than eight months in each year; and the said board is hereby authorized to levy a tax upon the property in said district and to collect the same; and a lien is hereby declared to exist on the real estate taxable in said district, for all taxes levied thereon under this act; and the said board shall carry into effect the provisions of this act in the same manner as provided for collection of taxes by the general school law, except that the district treasurer shall collect instead of the sheriff of the county. The said school district shall not be entitled to the state school fund until the tax herein provided has been levied.

Lien for taxes.

Treasurer to collect.

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

Further powers of board.

8. In addition to the powers given to the board of education by this act, they shall have the powers of the boards of education of townships and school trustees of districts, so far as may be necessary under the state laws, and not inconsistent with the provisions of this act.

CHAPTER CXLIV.

An Act to declare the Wheeling, Pittsburgh and Baltimore Railroad Company a corporation, entitled, as the successors of the late Hempfield Railroad Company, to exercise the franchises of that company within this State.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Rights, powers and franchises vested in company.

1. The Wheeling, Pittsburgh and Baltimore railroad company, a corporation created and organized under, and pursuant to, the laws of Pennsylvania, and which as such,

has succeeded to the property, rights and franchises, of the late Hempfield railroad company, is hereby recognized as such corporation, and declared to be entitled as such, to exercise within this state the powers, privileges, franchises and rights, which were vested in the said Hempfield railroad company, subject to the regulations and restrictions to which the same were subject when exercised by the last named company.

CHAPTER CXLV.

An Act for the better government of the Berkeley Springs, in the county of Morgan.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. The public grounds in the town of Bath, in the county of Morgan, known as the public square, together with the Medicinal springs, and improvements thereon, shall be, and continue, under the management and control of a board of trustees, in trust as heretofore, for the public use and benefit.

Property to remain under the control of a board of trustees, in trust.

2. The powers and authority of the present trustees of the Berkeley springs, shall cease and determine on the 1st day of May, 1872, and thereafter the said board shall consist of the following named persons, to wit : Isaiah Buck, David H. Strother, Charles Green, Edmund I. Lee, Chas. J. Faulkner, Dr. E. Boyd Pendleton, Thomas H. B. Dawson, Robert White, Henry Willard, John H. Silver, J. Rufus Smith, Dr. A. C. Hammond, Charles H. Hodgson, Wm. H. Baker, Andrew Hunter and Robert C. Guston ; and they and their successors are hereby declared to be a corporation with perpetual succession, by the name of the "Trustees of the Berkeley Springs," and as such may have a common seal, and alter and renew the same at pleasure, and by that name may sue and be sued, implead and be impleaded, contract and be contracted with, and may purchase, take and hold, in trust as aforesaid, any real estate adjacent, for the enlargement of the said public grounds. They shall have and exercise all the powers

When powers of present board to cease.

Board of trustees.

Incorporation.

Powers of corporation.

heretofore vested in and exercised by the trustees of the Berkeley springs, over the said springs and public grounds, and may make by-laws, ordinances, rules and regulations, not contrary to the constitution and laws of this state, for the improvement and preservation of the same, for the use of the water of said springs, for the government of all under their authority, and the management of the springs and property aforesaid, and generally may do any and all things compatible with the object of their organization, and necessary for the better execution of their said trust:

Proviso. Provided, that nothing herein contained shall be construed to exclude the municipal jurisdiction of the town of Bath, over the said public grounds: And provided further, that

Trustees not to mortgage or alien property, nor grant exclusive privileges. the said trustees shall have no power to mortgage or otherwise alien the public property aforesaid, nor shall they grant to the proprietor of any hotel, or any other person, any special or exclusive privileges, in the use or enjoyment of said springs or public grounds.

Governor to fill vacancies.

3. The governor shall have power to fill all vacancies occurring in said board, but the number of trustees shall never exceed sixteen.

Officers of board

4. The officers of the said board, shall be a president, a secretary and a treasurer, each of whom shall be elected annually by the board, from among its members, and shall hold their offices for the term of one year, and until a successor is elected.

Term of office

Bath keeper.

5. A bath-keeper shall be elected annually by the board who shall continue such until the election of his successor. The present bath-keeper shall remain in office until his successor is elected.

Bond of treasurer and bath keeper.

6. The treasurer and bath-keeper shall each give bond for the faithful discharge of his duties, in a penalty to be fixed by and made payable to the board.

Meetings of trustees.

7. The board of trustees shall meet at least once in every year, the time and place of meeting to be fixed by an order of the board; but special meetings may at any time be held, on notice by the president, or any two members of the board, whose proceedings, however, where they involve the creation of a debt, or an appropriation

of money, must be approved at a regular meeting of the board. The first meeting of the board, under this act, shall First meeting. be held on the second Monday in May next, or as soon thereafter as convenient. Any five or more of the trustees shall form a quorum at any meeting of the board. Quorum.

8. All rights, privileges and properties, of the trustees of Berkeley springs, heretofore acquired and possessed, owned and enjoyed, shall continue and remain under the control and management of the said trustees, under this act, and all laws, ordinances, by-laws, resolutions, rules and regulations of the trustees of said springs now in force, and not inconsistent with this act, shall be and continue in full force, until regularly repealed. Rights, Properties, &c., heretofore acquired to continue in board. Laws and ordinances now in force to remain in force.

9. All acts and resolutions, either of the general assembly of Virginia, or of the legislature of West Virginia, in conflict with the provisions of this act, are hereby repealed. Inconsistent acts and resolutions repealed.

CHAPTER CXLVI.

An Act to authorize the President and Directors of the Virginia Coal and Iron Company, of Hampshire county, to issue bonds.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That the president and directors of the Virginia Coal and Iron Company, of Hampshire county, West Virginia, or a majority of them, shall be, and are hereby authorized to make and execute mortgage bonds, to an amount not exceeding one hundred and fifty thousand dollars, under the seal of the said company, bearing interest at the rate of seven per centum per annum, redeemable in fifteen years, for such sum or sums, and payable at such time or times, and to sell and dispose of the same on such terms as the said president and directors may deem 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 or currency. Authority to issue bonds; But not bank notes.

CHAPTER CXLVII.

An Act to amend and re-enact section first of an act entitled "an act establishing uniform grade and system of drainage in the city of Parkersburg," passed February 27, 1867.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Act amended.

That section first of an act entitled "an act establishing uniform grade and system of drainage in the city of Parkersburg," passed February 27th, 1867, be amended and re-enacted so as to read as follows :

Adoption of system of grades and drainage.

"1. The city council of Parkersburg shall, previous to the first day of November, one thousand, eight hundred and seventy-two, cause to be made, and adopt, a complete system of grades and drainage for the streets and alleys thereof, and place the same on record in the recorder's office of Wood county, and also in the office of the city engineer ; which system of grades and drainage shall be fixed and permanent, subject to the provisions and limitations of this act."

CHAPTER CXLVIII.

An Act to authorize the School District of Fairmont in the county of Marion to borrow money.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

May borrow money.

1. The board of education of the school district of Fairmont, in the county of Marion, is hereby authorized to borrow a sum of money not exceeding five thousand dollars, at any rate of interest not exceeding ten per centum per annum, and for a time not exceeding two years, to be paid into the treasury of this state, and drawn therefrom and expended as provided and contemplated by an act of the legislature, passed February 21, 1872, entitled "an act making a conditional appropriation for the further construction of the Branch Normal School Building at Fairmont."

Where paid and how expended.

CHAPTER CXLIX.

An Act to permit Talmadge F. Cherry, of Baltimore city, to pay into the treasury of this state his state taxes.

Passed February 28, 1872.

WHEREAS, It is represented to the legislature of West ^{Preamble.} Virginia, that Talmadge F. Cherry, of Baltimore city, purchased at the delinquent land sale made in Webster county, on the 24th day of September, 1869, a large number of tracts of land, many of which only portions thereof were sold for the taxes.

WHEREAS, It is further represented that the full amount of each tract remains on the land books in Webster county, against said Talmadge F. Cherry, although he only purchased portions of a great many of said tracts.

WHEREAS, It is further represented that said Talmadge F. Cherry did make application to the board of supervisors, of Webster county, on the 10th day of January, 1871, (and also gave the proper notice to the prosecuting attorney,) to have his lands corrected on the land books, both as to amount of tax and number of acres in each tract; and,

WHEREAS, Afterwards, to wit: on the first day of May, 1871, the said board met in pursuance to former adjournment, and did correct the error in said land books, and directed their clerks to certify a copy of their proceedings to the auditor; and,

WHEREAS, It is further represented, that from some cause the land books for Webster county, have never been corrected, and the auditor has some doubts as to whether he had the right to let Talmadge F. Cherry redeem his lands and pay the state tax thereon, unless he had satisfactory evidence that the county, township and independent school taxes thereon had been paid; and,

WHEREAS, It is further represented that Talmadge F. Cherry did deposit his draft with the auditor of state, sometime during last summer, for \$1,000, to pay the taxes due on his lands, and that both the auditor of state and J. W. Horner, attorney for said Cherry, have written repeatedly to the sheriff, and have called upon him in person, to

furnish a list of the county, township and independent school tax justly chargeable on his lands, but as yet have been unable to get any list, or anything else, showing that there was any township or independent school tax against said lands; therefore,

Be it enacted by the legislature of West Virginia :

Auditor to ascertain amount of state taxes due.

1. That the auditor be, and he is hereby directed to ascertain the amount of state taxes justly chargeable on each of said tracts of land, on which the taxes still remain unpaid, in the name of Talmadge F. Cherry, according to the corrected list certified by the clerk of the board of supervisors of the county of Webster.

Be it further enacted :

Auditor to correct land books.

2. That the auditor be, and he is hereby directed to correct the land books in his office for the county of Webster, according to the corrected list mentioned in the first section of this act, and that the said Talmadge F. Cherry be, and he is hereby permitted to pay into the treasury of this state, all the state tax justly chargeable against him on the lands referred to, in said corrected list: Provided, however, that this act is not to be so construed as to relieve said Talmadge F. Cherry from the payment of any county, township or independent school tax that he may owe the county of Webster on said lands.

May pay money into treasury.

Proviso.

CHAPTER CL.

An Act to amend and re-enact the first and third sections of the act passed February 28, 1868, entitled "An act amending and re-enacting the charter of the town of Martinsburg."

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Secs. amended.

That the first and third sections of the act passed on the twenty-eighth day of February be, and the same are hereby amended and re-enacted, so as to read as follows :

"1. On the fourth Monday in May, eighteen hundred

and seventy-two, and on the same day in every alternate year thereafter, the voters of the town of Martinsburg, in the county of Berkeley, qualified to vote for members of the legislature, who shall have resided within said town for one year next preceding the election, and who shall have paid the corporation taxes assessed against them for the current year, shall elect a fit and proper person, being a free-holder and resident of the said town, to serve as mayor thereof, for the period of two years, or until his successor be duly elected and qualified; and if from any cause an election cannot be held at the time appointed by this act, the mayor and council are hereby authorized and required to order an election to fill all existing vacancies, after ten days notice by proclamation published in one or more papers in the said town, and posted at, at least, one public place in each ward.”

Election of mayor.

Who may vote.

Election to fill vacancies.

“3. On the fourth Monday in May, eighteen hundred and seventy-two, the voters in the said wards, and in such additional wards as may be established in the said town, who are qualified to vote for mayor, and have been residents of the ward in which they offer to vote, for ten days, shall elect two councilmen, being free-holders and residents of the wards from which they are elected, to represent such ward in the council; and the commissioners conducting the election shall, within three days after it has been held, give a certificate to each person elected. The term of service of the councilmen shall be two years; and the councilmen elected on the fourth Monday in May, eighteen hundred and seventy-two, shall divide themselves into two classes, one councilman from each ward being assigned to each ward; and of these classes, the first—to be designated by lot in such manner as the council may determine—shall hold their offices for one year, and the second class for two years, so that after the first election one-half of the whole council shall be elected annually on the fourth Monday in May of each succeeding year. The mayor and council shall appoint one or more sergeants, and as many additional policemen as they may deem necessary, to serve for two years, unless removal by a two-thirds vote of the council.

Election of councilmen.

Certificates of election.

Council to be divided into classes.

Term of office; how determined.

Appointment of sergeant and policemen.

CHAPTER CLI.

An Act authorizing the execution of certain process by the town sergeant of the town of Morgantown.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to execute certain process.

It shall be the duty of the town sergeant of Morgantown, and he is hereby authorized, to execute any warrant, or other process, (issued by the mayor of said town,) anywhere within the county of Monongalia, and to make proper return thereof.

CHAPTER CLII.

An Act to amend an act entitled "an act to amend and re-enact the charter of the city of Charleston, in the county of Kanawha," passed February 17, 1871.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Sec. amended.

1. Section two of "an act to amend and re-enact the charter of the city of Charleston, in the county of Kanawha," passed February 17, 1871, is hereby amended and re-enacted, so as to read as follows :

Municipal authorities.

"2. The municipal authorities of said city shall be a mayor, recorder and nine councilmen, who together shall be a common council."

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

Election of mayor and recorder.

Not to reside in same ward.

Election of councilmen.

"6. The mayor and recorder shall be elected by the citizens of said corporation, who may be entitled under this act to vote. but these officers shall not reside in the same ward, during their term of office ; three councilmen shall be elected by the qualified voters of each ward."

3. So much of section twenty-one, of said act, as relates

to the issue of bonds of the corporation, is hereby amended and re-enacted so as to read as follows :

“To issue bonds of the corporation, bearing interest at a rate not to exceed ten per centum per annum, and make sale thereof, but at not less than their par value, nor shall any such bonds be issued unless the common council that causes their issue, shall at the time of such issue provide a sinking fund sufficient to pay off and discharge the same, principal and interest, when they respectively become due; but said corporation shall not, in any event, issue under the provisions of this or any other act, bonds to an amount exceeding the sum of sixty thousand dollars altogether.”

May issue bonds and sell the same.

Sinking fund.

Amount of bonds.

4. It shall be the duty of the common council of said city, at least once in every three months, to publish in some newspaper, published in said city, a correct statement verified by the affidavit of the treasurer and recorder of said city, of all the receipts and expenditures of said corporation, with the amount of its indebtedness, whether by bond or otherwise, when, and for what purpose contracted, and if the indebtedness be by bonds, when issued, to whom payable, and when due, and the amount realized by said issue of bonds.

Publication of receipts, expenditures and indebtedness.

5. The following is enacted as an additional section to said act :

“42. The moneys arising from the levies, which may be made by said council, for the support and maintenance of free schools within the limits of said corporation, shall be set apart and kept separate and distinct from all other funds of the corporation, and said moneys, so arising, shall in no event and under no circumstances, be used or applied to any other purpose, but for the support and maintenance of said schools.”

School moneys to be kept separate and applied only to school purposes.

CHAPTER CLIII.

An Act appointing trustees for the town of Frankfort, in Mineral county.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. Hiram Alkire, Jacob A. Marker, Jesse Rice, James Trustees.
- H. Dowden, Daniel W. Steckslager, William Gash and

James H. Johnson, are hereby appointed trustees of the town of Frankfort, Mineral county, and shall, as also their successors in office, before they enter upon the duties of their appointment, respectively, take an oath before some justice in county, to execute the same faithfully and impartially, according to the best of their skill and judgment, a majority of whom may form a quorum, to proceed to business under the authority of this act.

Oath of office.

Quorum.

Powers of trustees.

2. The trustees of said town, or a majority of them, shall be, and they are hereby empowered, to make such by-laws and ordinances for regulating the police thereof, and for the regular building of houses therein, as to them shall seem best, and the same to enforce, by reasonable fines, not exceeding in any one offense the sum of five dollars, recoverable with costs before any justice for the county of Mineral: Provided, however, that such by-laws and ordinances shall not be repugnant to, or inconsistent with, the constitution and laws of the United States, or of this state.

Provided.

Further powers.

3. The trustees of said town, or a majority of them shall have power to remove or abate nuisances, or cause the same to be done at the expense of those who occasion them; to improve and repair the public streets and alleys; to prevent, and punish by reasonable fines, the practice of firing guns, and running horses in said town; to license and regulate shows and exhibitions, to appoint all such officers as may be necessary for conducting the affairs of said town, not herein provided for, and to allow them compensation as they may deem reasonable, and to do, and cause to be done, all other things necessary or proper for the general good of said town, within the limits of the powers conferred by the act, entitled "An act to establish a town in the county Hampshire," passed December fifth, seventeen hundred, and eighty seven, by the general assembly of Virginia.

Limitation of powers.

Record of proceedings.

4. In order to afford the citizens of said town, at all times, an opportunity of knowing the proceedings of said trustees, there shall be provided by said trustees a well bound book, or books, as they may become necessary, in which shall be recorded the several certificates of qualification of said trustees and their successors, before a jus-

tice, as aforesaid, all the by-laws, ordinances and other proceedings; which book, or books, shall be kept in said town, and be at all times accessible for the inspection of the citizens thereof, and others concerned.

5. That hereafter, in case of any vacancy, in the office of trustees, by death, resignation or otherwise, it shall be lawful for the remaining trustees, to supply such vacancy, or vacancies, and the person so appointed, after having qualified in the manner hereinbefore required, shall have and exercise all the power, and perform the like duties as the trustee in whose stead he was appointed, as if he was appointed by this act.

Vacancies: how filled.

CHAPTER CLIV.

An Act to repeal Chapter two hundred and seven of the acts of the Legislature of West Virginia, of 1871.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. Chapter two hundred and seven, of the acts of the legislature of West Virginia, of 1871, is hereby repealed.

Chap. repealed.

2. The sheriff of Ohio county is hereby restrained from collecting any taxes levied under the act hereby repealed; and the said sheriff is hereby required to refund all such taxes that have been already collected and are now in his hands.

Collection of certain taxes prohibited.

Taxes refunded.

CHAPTER CLV.

An Act authorizing the trustees, or trustee, of the Protestant Methodist church in Grafton, to sell and convey two church lots.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

That the trustees, or trustee, of the Methodist Protestant church in the town of Grafton, and county of Taylor,

Trustees or trustee to sell.

are hereby authorized to sell and convey two church lots fronting on Main street, in said town.

CHAPTER CLVI.

An Act to amend and re-enact Chapter twenty-eight, of the acts of the Legislature of West Virginia, passed February 21, 1870.

Passed February 28, 1872.

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, or municipal corporation 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 into 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 CLVII.

An Act for the relief of persons, against whom judgments have been rendered, for acts growing out of the late war between the government of the United States and a part of the people thereof.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

Relief against certain judgments.

That in all cases, in which judgments have been rendered by any court against persons for acts committed, growing out of the war between the government of the United States and a part of the people thereof, in the trial of which the benefits of the plea of belligerent rights were denied to the defendant, new trials may be granted, and upon the retrial of any such case, the usage of civilized warfare may be plead in justification of such acts.

Now trials.

Plea.

CHAPTER CLVIII.

An Act to repeal Chapter one hundred and sixty-four, of the acts of 1871.

Passed Feb. 28, 1872.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred and sixty-four, of the acts of 1871, entitled, "An act authorizing the auditor to refund certain money to counties and townships," be, and the same is hereby repealed. Act repealed.

CHAPTER CLIX.

An Act fixing the principle office, or place of business, of the Benwood Iron Works.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. The principal office, or place of business, of the Benwood Iron works, incorporated under the laws of this state, is hereby located, and shall hereafter remain at the city of Wheeling, in the county of Ohio. Principal office located.

2. Chapter one hundred and forty-two, of the acts of 1871, is hereby repealed. Chap. repealed.

CHAPTER CLX.

An Act to incorporate the Middle Island Creek Navigation Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. It shall be lawful to open books under the superintendence of Christian Engle, Daniel C. Sweeny, William I. Boreman, John G. Underwood, Randolph R. Swan, M. C. C. Church, Hiram Underwood, E. B. Branam, John C. Way and Henry A. Rymer, or any three of them, at Mid- Books of subscription. Commissioners.

Middlebourne, in the county of Tyler, and at such other place or places, under the direction of such agents as any five of the above named persons may designate, for the purpose of receiving subscriptions to the capital stock of the company hereby incorporated, for the purpose of improving the navigation of Middle Island creek and its branches.

Who to open books.

Capital stock.

Notice.

Incorporation.

General meeting

Organization.

Notice of meeting.

Authority to issue bonds.

Principal office.

2. The capital stock of said company shall consist of ten thousand shares of ten dollars each; and any person authorized to act intending to open books for subscription under the first section of this act, shall give at least ten days' notice of the time and place when and at which they intend to open such books, by posting a copy of such notice at two public places near where such books are to be opened; and when two hundred shares of said stock are subscribed, the subscribers, their executors, administrators and assigns, shall be, and are hereby, incorporated into a company by the name and style of "The Middle Island Creek Navigation Company." And at any time thereafter a general meeting of the stockholders in said company may be called to meet at Middlebourne, in the county of Tyler, for the purpose of electing a board of directors, of transacting any other business which may be necessary to fully organize the said company, and of doing anything else which may lawfully be done by them as a company fully organized under this act; notice of which general meeting shall be given by advertising the same once a week for two weeks at least, in some newspaper of general circulation published near the principal office or place of business of the company, or by personal service of such notice in writing, upon each of said stockholders at least ten days before such general meeting.

3. Said company is hereby authorized to make and execute bonds or certificates of indebtedness, under the seal of said company, for such sum or sums of money, and payable at such time or times, and to sell and dispose of the same upon such terms, as the company may determine upon.

4. The principal office or place of business of said company shall be at Middlebourne, in the county of Tyler, until otherwise ordered by the stockholders.

5. Said company shall have all the rights, benefits and privileges, and be subject to all the duties and responsibilities provided for and declared in chapters fifty-two and fifty-three of the code of West Virginia; but so much of said chapters or of any act or acts as may be inconsistent with any of the provisions of this act, shall be held not to apply to the company hereby incorporated. Rights and responsibilities of company.

6. Said company shall have power to improve the navigation of said creek and its branches, by removing therefrom, or lowering any or all of the dams, and by removing any other obstructions to the navigation of said creek or its branches, and by any other means, which they may deem necessary. But no dam legally established upon said creek, or any of the branches thereof, shall be removed or lowered, unless those entitled thereto, shall have agreed to such removal or lowering, or the said company shall have paid to the parties so entitled, the full amount of the damages sustained by them, by reason of such removal or lowering, to be ascertained as in case of real estate, under the provisions of chapter forty-two, of the code of West Virginia. Improvement of creek and its branches. Dams: how removed and lowered.

7. When said company shall have improved the navigation of said creek, from its mouth to the mouth of McElroy creek, by the removal therefrom of all obstructions to safe navigation by boats, barges, rafts and other floats passing down, then they shall be, and are hereby authorized to establish such rates of tolls upon boats, barges and other floats of every kind passing down within their improvements, as they may deem reasonable, but such tolls may be reduced by the board of public works, upon application of any person interested, after such applicant has given the company at least thirty days notice of the time of his application. Tolls. Board of public works may reduce.

8. This act shall apply only to so much of Middle Island creek and its branches, as are situated within the counties of Tyler and Pleasants. Limitation of act.

9. Nothing in this act shall be construed so as to legalize any dam or other obstruction, placed upon said creek or any of its branches, contrary to law. Dams contrary to law not legalized.

Act amendable. 10. The legislature may amend this act at any time, but no such amendment shall impair the rights of creditors of said company, or shall be made until sixty days notice has been given to said company, of the intention to apply to the legislature for such purpose, unless the application is made by the company.

Rights of creditors not to be impaired.

Notice.

CHAPTER CLXI.

An Act to incorporate the Ripley and Ohio Railway Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Commissioners.

1. That John M. Greer, Jacob L. Armstrong, F. R. Hassler, Edward Maguire, Lewis A. Phelps, Henry C. Flesher, John H. Riley, D. K. Hood, V. S. Armstrong, James McKown, George Crow, Sr., D. D. Rhodes, Reuben Douglass, E. H. Rader, R. S. Brown, George S. M. King, John Carnahan, R. N. Polan, R. E. Stracher and Abraham McCoy, be, and hereby are appointed commissioners to open books of subscription to the capital stock of the Ripley and Ohio railway company, in shares of fifty dollars each, to the amount of fourteen thousand dollars, which may be increased by the sale of additional shares, to fifty thousand dollars, for the purpose of constructing, equipping and operating a railway or tramway by steam from Ripley, in the county of Jackson, to the Ohio river, at some point between the mouth of Mill creek and the town of Ravenswood, in the said county, by the most eligible route, at such times and places, and under supervision of such agents as three or more of said commissioners may in writing, designate, whenever three thousand dollars of such capital stock has been subscribed for, and five per centum of the same paid in, upon due notice by publication. The stockholders shall hold a general meeting, and organize the company by the election of nine directors, who shall choose one of their number as President, to continue in office until the second Tuesday in January next ensuing, on which day thereafter, the general stockholders' meeting

Books of subscription.

Capital stock.

Increase of stock.

Route of road.

Organization of company.

shall continue annually to be held, to elect directors and consider measures conducive to the interest of said company. Annual meeting

2. The said company may acquire by gift or purchase, hold, sell and convey, mineral and timber lands, not to exceed twenty thousand acres, upon, and near, the route of its contemplated road, and subscriptions to its capital stock may be in lands, franchises and material for construction, upon terms of fair valuation, as may be agreed upon. May acquire, hold and convey real estate and receive subscriptions in franchises.

3. Any, and all persons, and corporations, domestic or foreign, including boards of supervisors of counties, as prescribed by law, may subscribe for, own, hold and convey stock in said company, which shall be held as personal estate, subject to transfer on the books of the company, at its general office of business hereby established at Ripley, Jackson county, West Virginia. Who may subscribe. General office.

Each share of stock shall be entitled to one vote, in stockholders' meeting, in person or by proxy, authorized under seal. How stock voted

4. The supervisors of Jackson county, or the proper authorities, (for the time being,) may authorize the passage and construction of said road, over, or upon, any road or bridge, along or over which it may become necessary for said rail or tramway to pass, if the same can, in their opinion, be done without any injury or disadvantage to the interest of the public. Powers of supervisors.

5. The said company shall be, and is hereby invested with all, and singular, the rights, powers, immunities, franchises and privileges, for surveying, locating, constructing and equipping said road, and working, repairing and preserving the same, and the necessary vehicles and appurtenances thereto belonging, for the transportation of passengers and freight thereon. The right is hereby granted to said company at any time to extend the said road from Ripley up the valley of Mill creek, to the head of the said creek, or one of its branches. May construct and extend road.

6. The said company shall organize within two years from and after the passage of this act. Time of organization.

Right of way ;
how secured.

7. The acts and proceedings, required to be had on the part of said company, in order to secure the right of way and necessary lands, shall be such as are provided, under the general law, in chapters forty-two and fifty-two, of the code of West Virginia, now in force for that purpose.

Act amendable.

8. The right is hereby reserved to alter or amend this charter at the pleasure of the legislature.

CHAPTER CLXII.

An Act authorizing the citizens of Frankford to elect their mayor and councilmen.

Passed Feb. 28, 1872.

Preamble.

Acts of incorporation recited.

WHEREAS, By chapter one hundred and forty-eight, of the acts of 1871, entitled, "An act to incorporate the town of Frankford, in the county of Greenbrier," the said town of Frankford was incorporated and made a body politic, by the name of the "Town of Frankford;" and,

WHEREAS, Officers were elected under chapter forty-seven of the code of West Virginia; and,

WHEREAS, There was no election held for officers on the first Thursday in January, 1872, as required by section seventeen, of chapter forty-seven, of the code; therefore,

Be it enacted by the Legislature of West Virginia :

Election of officers.

1. That it shall be lawful to hold an election in said town of Frankford, for corporation officers, on the first Thursday in April, one thousand, eight hundred and seventy-two, whose term of office shall commence on the first day of May thereafter, and end on the thirty-first of January, one thousand, eight hundred and seventy-three.

Term of office.

Subsequent elections.

2. After the election provided for in the preceding section, all subsequent elections shall be held as provided in section seventeen, chapter forty-seven, of the code.

CHAPTER CLXIII.

An Act to re-enact section three, of chapter fifty-two, and section three, of chapter fifty-four, of the code of West Virginia, and to repeal chapter eighty-six, of the acts of 1871.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That section three of chapter fifty-two, of the code Sec. re-enacted. of West Virginia, is hereby re-enacted so as to read as follows :

“3. Unless specially authorized, no corporation shall Restrictions on corporations. purchase real estate, in order to sell the same for profit, or hold more real estate than is proper for the purposes for which it is incorporated, subscribe for or purchase the stock, bonds or securities of any joint stock company, or become surety or guarantee for the debt or default of such company.”

2. Section three of chapter fifty-four, of the code of West Virginia, is hereby re-enacted so as to read as follows :

“3. But this chapter shall not be construed to authorize What corporations not authorized to be formed. the incorporation of a bank of circulation, or a company for the construction of any work of internal improvement or any church or religious denomination, or of any company, the object, or one of the objects, of which may be to purchase lands and to re-sell the same for profit.”

3. Chapter eighty-six, of the acts of 1871, passed February 22d, 1871, entitled “An act to amend the act entitled, ‘An act establishing a code of laws for this state in relation to corporations,’” is hereby repealed. Chap. repealed.

4. But this act shall not be construed so as to impair the Rights and powers of corporations already organized not to be impaired. rights and powers of any corporation heretofore organized under the laws of this state, or those of the commonwealth of Virginia.

CHAPTER CLXIV.

An Act to authorize the sale of the Mount Zion Baptist church property, in Harrison county.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

Trustees.

That Thomas J. Blake, William L. Grant and Richard Norman are hereby appointed trustees of the Mount Zion Baptist church, situated on Rooting creek, in the county of Harrison, and they are hereby authorized to sell and convey, by deed, the church lot and edifice lately occupied by the Mount Zion Baptist congregation, and are hereby further authorized, to apply the proceeds toward the payment of any debts incurred in the construction of the Rockford Baptist church.

Authority to sell.

Proceeds; how applied.

CHAPTER CLXV.

An Act to authorize the boards of supervisors of Tyler and Wetzel counties to locate and establish a public road in said counties.

Passed February 28, 1872.

Preamble.

WHEREAS, The citizens of Tyler and Wetzel counties are without a public road from Sistersville, in Tyler county, to New Martinsville, in Wetzel county, and as the commercial and other interests of the said towns and the citizens living along the line, have suffered in the past materially, from the want of a public road connecting the two towns; and,

WHEREAS, The only obstruction or hindrance, to the establishment of a public road, following the bank of the Ohio river, from Sistersville to New Martinsville, is an orchard belonging to David Skinner; therefore,

Be it enacted by the Legislature of West Virginia:

Authority to locate and establish road.

1. The supervisors of the counties of Tyler and Wetzel, are authorized and empowered to locate and establish a public road leading from the town of Sistersville, in Tyler county, to the town of New Martinsville, in Wetzel county.

2. And for the purpose of carrying into effect the foregoing provision, the said supervisors shall have power to condemn and appropriate, any yard, garden, orchard, or any part thereof, which may be necessary for the establishment of said road.

Powers of supervisors.

CHAPTER CLXVI.

An Act to authorize the trustees of Bethel Baptist Church, in Barbour county, to sell a lot belonging to said church.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the trustees of Bethel Baptist church, in Pleasant township, in Barbour county, are hereby authorized to sell and convey a lot of ground belonging to said church, and use the proceeds thereof for such church.

Authority to sell and convey.

CHAPTER CLXVII.

An Act to authorize the trustees of the M. E. Church South, in Ripley, to sell the parsonage of said church.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

That the trustees of the Methodist Episcopal church, of the town of Ripley, in the county of Jackson, be, and are hereby authorized to sell and convey the parsonage lot and grounds thereto belonging.

Authority to sell and convey.

CHAPTER CLXVIII.

An Act providing for the collection of certain taxes and fines in the county of Monongalia, and for the return of a delinquent list of such fines and taxes as are uncollectable.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. James V. Boughner, assignee in bankruptcy of John M. Brand, late sheriff of Monongalia county, is hereby

Authority to distrain for and collect unpaid

taxes, fee bills
and military
fines.

authorized to place all tax receipts or bills, fee bills and military fines now in his hands as such assignee, in the hands of the sheriff of said county, or any constable therein, and such sheriff or constable shall have full power to distrain for and collect such taxes, fee bills and military fines within one year from the passage of this act, in the same manner as though the period within which distress for such taxes and fines might be made, had not expired.

Supervisors to
certify accounts
to auditor.

2. The board of supervisors of the county of Monongalia are hereby authorized and directed to examine and certify to the auditor of public accounts such of said taxes and fines as could not be collected within two years from the time when the same came to the hands of said sheriff or assignee, and upon receipt of such certificate the auditor shall credit the accounts of said sheriff with such taxes and fines, as other delinquent taxes and fines are credited.

Duty of auditor.

CHAPTER CLXIX.

An Act for the relief of John T. Smith, sheriff of Mercer county.

Passed February 28, 1872.

Preamble.

WHEREAS, John T. Smith, Sheriff of Mercer county, received the assessor's books for the year 1870, several months after the time fixed by law, and for this reason was unable to make up and return the list of persons and property delinquent for non-payment of taxes, without manifest injury to the service; and,

WHEREAS, The said sheriff has punctually paid up in full all the state, state school, and other taxes charged against him for the year aforesaid, without receiving a credit for the amount of his delinquent list; therefore,

Be it enacted by the Legislature of West Virginia :

Auditor author-
ized to credit
delinquent list.

1. That the auditor be, and he is hereby authorized to credit John T. Smith, sheriff of Mercer county, upon his account with the whole amount of the delinquent list of said county for the year 1870, upon its being produced to

him, properly certified, by the board of supervisors of said county.

CHAPTER CLXX.

An Act for the relief of Dennis D. Campbell, David Youst and Caleb Furbee, Sr.

Passed February 28, 1872.

WHEREAS, Jacob Youst, of the county of Marion, a Preamble Confederate soldier, while in service, captured and took from certain home guards, in the service of the State of West Virginia, several muskets, pistols, &c., which he afterward returned to their owners, for the taking of which he was indicted in the circuit court of said county, in five cases for felony, and on his return home, arrested and confined in the jail of said county, to await trial; and,

WHEREAS, The said Jacob Youst did, at the March term 1866, of said circuit court, together with the said Dennis D. Campbell, David Youst and Caleb Furbee, Sr., enter into five several recognizances, to answer said five indictments, the penalties of which said five recognizances, amounted to the sum of sixteen hundred dollars; and,

WHEREAS, The said recognizances having been forfeited, judgment was rendered thereon by said circuit court, on the 5th day of July, 1869, in favor of the state against the said sureties jointly, for the several sums therein mentioned; and,

WHEREAS, Said judgments now remain wholly unsatisfied except as to the costs; and,

WHEREAS, It appearing that the said sureties did not council or aid, and were not privy to the escape of said Jacob Youst, but on the contrary, as soon as they received information of such escape and the probable whereabouts of the said Jacob Youst, they obtained lawful process, and followed him to the State of Illinois, and expended large sums of money in ineffectual efforts to retake and bring him within the jurisdiction of the said circuit court; and,

WHEREAS, It further appearing from the character of said indictments and cases, that it is doubtful whether the

said Jacob Youst could, or ought, to be convicted for said alleged offences, if tried according to law; and,

WHEREAS, Prosecutions for like alleged offences, are being dismissed in courts of the state; and,

WHEREAS, It appearing that the said sureties are men of small means, and an enforcement of said judgments would work great hardship upon them; therefore,

Be it enacted by the Legislature of West Virginia:

Release of sureties from all judgments.

1. That the said Dennis D. Campbell, David Youst and Caleb Furbee, Sr., be, and they are hereby released and discharged from all judgments, rendered against them by the said circuit court of Marion county, on account of their recognizances, executed by them, as aforesaid, as sureties for said Jacob Youst, and on which judgment was rendered on the 6th day of July, 1869, by said circuit court, in favor of the State of West Virginia.

CHAPTER CLXXI.

An Act incorporating the "New River Water Power and Land Company."

Passed February 29, 1872.

Be it enacted by the Legislature of West Virginia:

Corporators.

1. That Howell Fisher, of Pottsville, Pennsylvania, Samuel Coit, Frederick L. Gleason and William A. Healey, of Hartford, Connecticut, E. A. Packer, of New York, and George W. Moredock, of Hartford city, Mason county, and A. T. Caperton, of Union, Monroe county, West Virginia, and R. H. Catlett, of Staunton, Virginia, and their associates and successors, are hereby constituted a body politic and corporate by the name of the "New River Water Power and Land Company," and by that name may have perpetual succession, 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 or of the United States.

Incorporation.

Powers of company.

By-laws.

2. The capital stock of said company shall not be less than five hundred thousand dollars, to be divided into shares of fifty dollars each, and may at any time hereafter be increased to one million of dollars, by a vote of the stockholders, and shall be considered personal property, and be transferrable, as may be provided for in the by-laws of the company, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders of said company, to be given in person or by proxy, and for the purpose of obtaining subscriptions to said capital stock, books shall be opened under the direction of the above named corporators, or a majority of them, at such times and at such place or places as the persons acting in that behalf may deem expedient, for the whole or any part of such subscriptions, either in land or other property, or money: Provided, The quantity of land so subscribed, together with that originally held by said company shall not exceed the quantity hereinafter authorized to be held; and if in lands or other property, then at such price and valuation as may be agreed upon by those receiving such subscriptions; and in case the said company shall organize and proceed to act as a corporation before a sufficient amount is subscribed to said capital stock for the lawful purposes of said company, the president and directors of said company shall have power at any time thereafter, and as often as they may deem necessary, and without opening new books of subscription to said capital stock, to receive further subscriptions to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of the said company, not to exceed one million of dollars in the aggregate; and it may be lawful for all persons and bodies whatsoever, except counties, townships and municipal corporations, to become subscribers for and owners of shares of the capital stock of said company.

Capital stock.

Shares.

Increase of stock

How stock voted

Subscription books.

Subscriptions in land or other property.

Proviso.

Subscriptions after organization.

Amount of subscriptions.

Who may subscribe.

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

Directors.

Vacancies: how filled.

Authority to
build canal.

Provide.

4. The said company shall have power to build a canal from Richmond falls down the east side of New river: Provided, however, that before locating said canal, this company shall notify the president of the James river and Kanawha canal company, of their intention so to do, and shall make such location as shall not interfere with the proposed through water line from Richmond to the Ohio river; and to take land for that purpose in accordance with chapters forty-two and fifty-two, of the code of West Virginia, to buy and sell real estate, not to exceed thirty thousand acres in all, and to rent and lease the same, to rent power, to construct, rent, lease and work furnaces, rolling mill and manufactories of all descriptions, to construct the necessary rail or other roads to unite their various factories, and for the transportation of their own products and commodities, and the products and commodities of others, for which such reasonable tolls may be charged as are allowed by the laws of this state; and to take land for said roads in accordance with said code, and to do any and all things necessary to promote the bringing of capital into, and the erection of manufactories in this state.

Powers of
company.

May borrow
money and se-
cure its pay-
ment.

5. The said company shall have power to borrow money for the purpose of carrying out the objects of this act, and to issue proper certificates or 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.

Bondholders ad-
mitted to repre-
sentation.

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

Ratio of votes.

Act amendable.

8. 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, nor impair the vested rights of the corporators.

Rights of credi-
tors and corpo-
rators not to be
impaired.

CHAPTER CLXXII.

An Act to authorize the council of the city of Wheeling, to correct erroneous assessments of property.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. The council of the city of Wheeling, shall have jurisdiction to hear, try and determine all applications to correct the assessments of the city assessor, of real and personal property within the city of Wheeling, and the said council shall have authority to correct all erroneous assessments of property, by placing such erroneously assessed property at its true value, whenever it shall be made to appear to them, that the same is assessed either too high or too low.

Authority to correct erroneous assessments.

2. This act shall not apply to any assessment made for state, county or township purposes.

Not to apply to state, county or township assessments.

CHAPTER CLXXIII.

An Act to amend the charter of the town of Bath, in the county of Morgan.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

1. That the town of Bath, in the county of Morgan, as originally laid off into lots, streets and alleys, and as the same may hereafter be further laid off and extended into lots, streets and alleys, shall be and remain a town corporate by the name of the "town of Bath," and as such shall have perpetual succession, and a common seal, and by that name may sue and be sued, plead and be impleaded, contract, and be contracted with, and may purchase, take and hold real and personal estate needful for the purposes of the said corporation.

Incorporation.

Powers of corporation.

2. There shall be a mayor, recorder, and five councilmen, who together, shall form a common council.

Common council

How corporate powers exercised.

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

Qualifications for certain offices.

4. The mayor, recorder, and common council must be residents in said town and entitled to vote for members of the common council. Their term of office shall be for one year, and until their successors shall have been duly elected and qualified.

Term of office.

By whom council elected.

5. The mayor, recorder, and councilmen shall be elected by the citizens of the said town, who may be qualified to vote under this act.

Elections.

6. The first election under this act shall be held on the first Saturday in May, 1872, at the court-house in said town, under the supervision of any justice of Morgan county, and annually, thereafter, there shall be an election on the same day of each year, at such place, and under such supervision, rules, and regulations as the council may prescribe. The persons conducting each election shall grant a certificate to the persons elected, whose terms of office shall commence on the first day of June thereafter. All such elections shall be governed by the laws in force for the time being, so far as applicable, for the election of county officers. Whenever two or more persons shall receive an equal number of votes for the same office the person or persons under whose supervision the election was held shall decide by lot, which of them shall be returned elected, and shall make return accordingly. All contested elections shall be heard and determined by the council for the time being.

Certificate of election.

Commencement of term of office.

Tie votes.

Contested elections.

Who may vote.

7. All persons resident in said town for three months next preceding the day of election, and qualified to vote for members of the legislature of this state, and none others, shall be entitled to vote for members of the said council.

Vacancies.

8. Whenever a vacancy shall occur from any cause, in the office of mayor, recorder, or councilmen, the council for the time shall by a vote of a majority of those present fill the vacancy for the unexpired term.

9. There shall be a sergeant, an assessor, and a commissioner of the streets of said town, who shall be appointed by the council thereof, and hold their offices during its pleasure. The sergeant shall be ex-officio treasurer of said town. The offices of recorder and assessor may be held by the same person, or otherwise, as the council may from time to time determine.

Officers appointed.

Sergeant ex-officio treasurer

What office may be held by same person.

10. The mayor, recorder, and councilmen, and all other officers provided for by this act, shall each before entering upon the duties of his office take and subscribe an oath that he will support the constitution of the United States, and the constitution of this state, and faithfully and impartially discharge the duties of his office so long as he shall continue therein. Said oath or affirmation may be taken before any person legally authorized to administer oaths, or before the mayor or recorder of said town.

Oath of office.

Before whom taken.

11. The council shall be presided over by the mayor, or in his absence by the recorder or one of the councilmen, selected by the council.

Presiding officer of council.

12. The council shall be caused to be kept in a well-bound book, an accurate record of all its proceedings, by-laws, acts, orders and resolutions, which shall be fully indexed, and open to the inspection of the citizens of the town.

Record of proceedings.

13. The proceedings of each meeting of the council shall be read and corrected, if erroneous, at the succeeding meeting, and signed by the person presiding for the time being.

Proceedings to be read and signed.

14. Upon the call of any member of the council, the yeas and nays shall be called, upon any question, and recorded in the journal. The presiding officer may vote as a member of the council, and in all cases of a tie the person presiding shall give the casting vote.

Yeas and nays.

Presiding officer may vote.

Casting vote.

15. The said council shall have power to re-survey said town, and for this purpose may employ a competent engineer, to open new streets, and extend, widen and repair old streets; to curb and pave streets, side-walks and gutters, and to alter, improve and light the same, and shall have control of all the avenues for public use in said town,

Powers of council.

Powers of
council.

to have the same kept in good order and free from obstructions on or over them ; to order and direct the paving and curbing of all side walks and foot-ways for public use, in said town, to be done and kept in good order by the owners or occupants of the adjacent property ; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only therein ; to prevent injury or annoyance to the public or individuals, from anything dangerous, offensive or unwholesome ; to prevent hogs, cattle, horses and other animals, and fowls of every kind from going at large in said town ; to protect places of divine worship ; to cause to be abated anything which in the opinion of a majority of the whole council, shall be a nuisance ; to regulate the keeping of gun-powder, and other combustibles ; to provide for the burial of the dead, and for this purpose, may acquire and hold the necessary land for a cemetery, near, or convenient, to said town, and provide for its improvement and security ; to provide for the regular building of houses and other structures in said town ; to provide for shade and ornamental trees ; to provide for the making of division fences and the drainage of lots ; to make regulations for guarding against danger and damage from fires ; to protect the citizens and property of said town, and to preserve peace and good order therein, and for this purpose to appoint, when necessary, a police force, to assist the serjeant in the discharge of his duties ; to prescribe the powers and define the duties of the officers appointed by the council, fix their time of service and compensation, require and take from them bonds, when deemed necessary, payable to the said town by its corporate name, with such sureties, and in such penalty, as the council shall see fit, conditioned for the faithful discharge of their duties, and remove them at pleasure ; to erect or authorize, or prohibit, the erection of gas-works or water works in, or near, said town ; to provide for the purity of the water, and the healthfulness of the town ; to regulate and provide for the weighing and measuring of hay, coal, wood and other articles sold, or for sale, in said town, and regulate the transportation thereof through the streets ; to provide a revenue for the said town, and appropriate the same to its expenses ; to provide for the annual assessment of the taxable persons and property in said town ; to adopt rules and regulations for the transac-

tion of business, and for the government and regulation of its own body; and generally, to do all such things as they may deem necessary and proper to promote the interest, prosperity, peace and good order of the people of the said town.

16. To carry into effect these enumerated powers, and all other powers conferred upon the said town, or its council, expressly, or by implication, by this or any future act of the legislature of this state, the said council shall have power to make and pass all needful orders, by-laws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this state, and to prescribe, impose and enforce reasonable fines, penalties and imprisonment in the county jail, or such other place as they may provide, for a term not exceeding thirty days, for violations thereof; such fines, penalties and imprisonment, shall be recovered and enforced under the judgment of the mayor, or the persons lawfully exercising his functions. And the council, with the consent of the proper authorities of the county of Morgan, entered of record, may use the jail of said county for any purposes for which the use of a jail may be needed by them.

Further powers of council.

Use of county jail.

17. The council shall cause to be annually made up and entered on its journal, an accurate estimate of all sums which are, or may become lawfully chargeable on said town, and which ought to be paid within one year, and it shall order a levy of so much as may in its opinion be necessary to pay the same.

Annual estimate and levy.

18. The levy so ordered shall be upon all male persons, resident in said town, over the age of eighteen years, dogs, hogs, and other animals, and all real and personal estate within said town, subject to state or county taxes: Provided, That the tax so levied upon property do not exceed twenty-five cents on every one hundred dollars of the value thereof, upon persons one dollar and fifty cents per head, and upon dogs three dollars per head.

What may be taxed.

Limit to levy.

19. Whenever anything for which a state license is to be done in said town, the council may require a town license therefor, and may impose a tax thereon for the use of the town; and the council may in any case require

Licensee.

Supervisors not to grant licenses without consent of council.

from the person licensed a bond with such sureties, and in such penalty and with such conditions as it may deem proper, and may revoke such license at any time, if the conditions of such bond be broken. And no license to sell spirituous liquors, wine, ale, beer, porter, or drinks of like nature within said town, or within one mile thereof shall be granted by the board of supervisors of Morgan county without the consent of the municipal authorities of said town.

Sergeant; his duties, powers, compensation and liabilities.

20. The sergeant shall collect the town taxes, levies and licenses, and after thirty days from the time they are placed in his hands for collection, he may distrain and sell therefor, in like manner as the officers collecting the state taxes may do, and he shall have in all other respects the same power to enforce the payment and collection thereof. He shall do and perform all the other acts pertaining to the office of sergeant of a corporation, and of a police officer within said town. And he shall have all the powers, rights and privileges within the corporate jurisdiction of said town, in regard to the arrest of persons, the collection of claims, and the execution, levying and return of process, that can be legally exercised by a constable, and he shall be entitled to the same compensation therefor; and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable is legally liable to for any failure or dereliction in his office, to be recovered in the same manner, and in the same courts that such fines, penalties and forfeitures are recovered against a constable.

Lien for taxes.

21. There shall be a lien on real estate for the town taxes assessed thereon, from the commencement of the year for which they are assessed. Such lien shall have priority over all other liens, except the lien for taxes due the state, and may be enforced by the council in the same manner provided for by law for the enforcement of the lien for county taxes, or in such other manner as the council may by ordinance prescribe.

How enforced.

Mayor; his duties, powers and compensation.

22. The mayor shall be the chief executive officer of said town. He shall take care that all orders, by-laws, ordinances, acts and resolutions of the council are faithfully executed. He shall be ex-officio, a justice and conservator of the peace within the municipal jurisdiction of the

said town, and shall within the same, possess and exercise all the jurisdiction, powers and duties vested by law in justices, and shall in all respects be subject to, and governed by the laws in force, for the time being, in relation to justices. He shall have control of the police of said town, and may appoint special police officers when he deems it necessary, and it shall be his duty especially to see that the peace and good order of the town are preserved, and that persons and property therein are protected, and to this end he may cause the arrest and detention of all riotous and disorderly persons, before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment, he may commit the party to prison until the fine and costs are paid, but the term of imprisonment in such case shall not exceed thirty days. He shall receive a compensation for his services, to be fixed by the council, which shall not be increased during the term for which he shall have been elected.

23. The recorder shall keep a journal of the proceedings of the council, and have charge of and preserve the records of the town. In the absence of the mayor, or during any vacancy in the office of mayor, he shall perform the duties of mayor, and be invested with all his powers. Recorder: his duties and powers.

24. The sergeant, as treasurer, shall have charge of all moneys belonging to the said corporation; and no money shall be paid out by him, except as it shall have been appropriated by the council; he shall pay the same upon the certificate of the recorder, or, in his absence, upon the certificate of the mayor, and not otherwise. If he fail to collect, account for, and pay over all, or any part of the moneys that shall come into his hands belonging to said town, when thereto required by the council, it shall be lawful for the council to recover the same by motion in the corporate name of said town, in any court of Morgan county, or where the sum does not exceed one hundred dollars, before the justice for said county having jurisdiction over said town. Sergeant: his further duties and liabilities.

Assessor; his duties.

25. It shall be the duty of the assessor to make an assessment of the persons and property within said town, subject to taxation, substantially in the manner and form in which such assessments are made by the assessor of the county, and to return the same to the council, on or before the first day of July in each year.

Commissioner, of streets; his duties and powers.

26. It shall be the duty of the commissioner of streets to superintend the opening and repair of roads, streets, alleys, sidewalks, footways, drains and gutters, within said town, and to put and keep the same in good repair, and to carry into execution all the resolutions, orders and ordinances of the council in relation thereto; and for this purpose, he shall have all the powers and perform all the duties, by law conferred upon, and required of, surveyors of roads in a county, and shall be subject to the same pains and penalties, imposed by law upon such surveyors, for neglect of duty. And the said town, and taxable persons and property therein, shall be exempt from all expenses and liabilities for the construction or repairs of roads or bridges outside of said town.

Town exempted from road tax.

Inconsistent acts and resolutions repealed.

27. All acts and resolutions, either of the general assembly of Virginia, or of the legislature of West Virginia, in conflict with the provisions of this act are hereby repealed.

CHAPTER CLXXIV.

An Act to incorporate the town of New Cumberland, in the county of Hancock.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Corporate limits.

1. The corporate limits of the town of New Cumberland shall be as follows, to-wit: Beginning at low water mark on the Ohio river, running east with the line of Smith, Porter & Co., to the line of Alfred Chapman; thence south with said line to Chestnut alley; thence south with said alley to First street; thence east with the line of Smith, Porter & Co., to the west line of Alfred Chapman; thence south with said line, including all lands west of it,

to the place where it intersects with the Fairview road; thence with said road to the northeast corner of the New Cumberland cemetery, including said cemetery; thence from the southwest corner of said cemetery, with the line of Alfred Chapman's lands, to the lands of George W. Stewart; thence west to the northeast corner of the lands of Harrison Abrams; thence with the north line of said lands to Commerce alley; thence south with said alley to the southwest corner of said lands; thence west with the public road, (including the property of Wm. Stewart,) to the lands of John Donegan; thence north with the line of said lands to Morris street; thence with said street to low water mark on the Ohio river; thence with the Ohio river to the place of 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 to vote under this act,) except the recorder and treasurer, who shall be appointed by the council from among their own number, all of whom together shall constitute a common council.

Municipal authorities.

How elected.

Recorder and treasurer appointed.

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

Bond of treasurer and sergeant

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

Incorporation and powers of town.

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

Corporate powers; how exercised.

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.

Term of office.

- Qualifications for officers.** 7. All officers of said corporation, must be voters therein, and entitled to vote for members of its common council.
- Elections.** 8. The election under this act shall be held on the second Monday in April, eighteen hundred and seventy-two, at the town hall in New Cumberland, under the supervision of a justice and inspector of elections of Clay 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 entitled to vote.** 9. All male persons, residing in said town, who shall have paid the town taxes, if any assessed against them, for the preceding year, shall be entitled to vote at all elections held in pursuance of this act, but 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 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.
- Tie votes.** 11. Whenever two or more persons shall receive an equal number of votes for the same office, the person under whose supervision the election was held, shall decide which of them shall be returned as elected.
- Contested elections.** 12. All contested elections shall be heard and decided by the council for the time being.
- Vacancies.** 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.
- Oath of office.** 14. All 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, Failure to qualify.
his office shall be vacant.

15. The council shall be presided over at its meetings by Presiding officer
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 Record of proceedings.
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 To be read and signed.
shall be read and corrected at the succeeding meeting, and
signed by the officer presiding for the time being. Upon
the call of any member, the yeas and nays on any question Yeas and nays.
shall be called and recorded in the journal. The mayor or
presiding officer shall not vote in common as a member of Vote of presiding officer.
the council, but in all cases of a tie the mayor or pre-
siding officer shall have the casting vote.

17. The council so constituted shall have power within Powers of council.
said town to improve the streets, to lay off alleys or walks,
and to regulate the width of the same, and to keep them Streets.
in order, to purchase and lay off public grounds, and to
erect, provide for and take care of public buildings. And Public business.
they shall annually make appropriations of such sums of
money as may be needed for the proper improvement of
the same; to prevent injury or annoyance to the public,
or individuals, from anything dangerous, offensive or un- Nuisances.
wholesome; to abate or cause to be abated, anything
which, in the opinion of a majority of the whole council
shall be a nuisance; to regulate the keeping of gun-
powder or other combustibles; to provide against danger Fires.
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 Revenue and taxes.
of the town; to adopt rules for its government, and the
transaction of business; to appoint a treasurer and recor- Appointment of treasurer and recorder.
der, and to fill vacancies; to define the powers, prescribe
the duties, fix the term of service and compensation of its Compensation.
appointees; require and take from them bonds, with secu- Bond.
rities, and in such penalties as it may determine, con-
ditioned to the full discharge and faithful performance of
their duties, (all bonds to be payable to the town,) to regu-
late and provide for the weighing of hay, coal and live Weighing hay.

Licenses.

stock sold by weight in said town ; to give an additional license, and to require a tax where a previous tax has been granted by the state or county authorities only, for the sale of intoxicating drinks, or to prohibit the sale of the same in the town, and for the carrying on of any other business, and generally to do such things for the prosperity, quiet and good order of the citizens of said town ; to adopt and enforce all needful ordinances, not contrary to the constitution and laws of this state, and to impose fines and penalties not exceeding the payment of ten dollars, or imprisonment for ten days, under judgment and order of the mayor, or in his absence, or inability, of the person lawfully exercising its functions. The council, with the consent of the board of supervisors of Hancock county, entered of record, may use the jail of said county for its purposes until the town council procure a lock-up inside the corporation.

Fines and penalties.

Imprisonment.

Use of county jail.

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 twenty-five cents on each hundred dollars of the valuation of such property, for state and county purposes, and twenty-five cents on each male person over twenty-one years of age.

Limit to levy.

Sergeant ; his duties, powers, compensation and liabilities.

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 the 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 any levying process, entitled to the same compensation therefor, and liable to all the fines, penalties and forfeitures, together with his sureties, that a constable is legally liable to ; to be recovered in the same manner, and before the same tribunal, that the same are now recovered against constables.

Mayor ; his duties and powers.

20. The mayor shall be the chief executive officer of the town, shall take care that the by-laws and the ordi-

nances of the council, are faithfully executed; he shall be ex-officio, a conservator and justice of the peace, within the corporation, and shall exercise the powers and duties therein, in matters pertaining to the corporation, but shall have no jurisdiction whatever in civil cases; but for offences committed against the corporate laws he shall have power to impose reasonable fines, penalties and costs, and in default of such payment, he may commit in default to the jail of Howard county, until the fine and costs be paid: Provided, the term of imprisonment shall not exceed ten days.

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: his duties.

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

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. Town exempted from all road tax. Provide.

24. When four of the newly elected members shall have been duly qualified, they shall enter upon the duties of their said offices, and supercede the former council. When new members enter upon duties of 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 theat- Licenses. Bond.

Public exhibitions. rical or other performance, show or exhibition, it may deem injurious to the morals or good order of the town.

Superintendent of streets; his compensation. 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.

Opening of new streets, &c. 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 the said land be first duly compensated, by assessment, and payment of proper damages.

Failure of mayor and trustees to carry out provisions of act, forfeits charter. 28. Whenever the mayor and trustees of said town shall fail, in any one year, to cause to be levied a tax upon 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 this act, then this act shall be null and void, and the property of the citizens of said town, shall be liable to be assessed, with county taxes, for all purposes, as well as road tax.

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

CHAPTER CLXXV.

An Act appropriating the public revenue for the fiscal year, one thousand, eight hundred and seventy-two.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

10. Payments legal and. All payments heretofore made by the treasurer in excess of appropriations authorized by law, and all payments made since the thirtieth day of September, one thousand, eight hundred and seventy-one, by virtue of appropriations made by the act passed March third, entitled "An act appropriating the public revenue for the fiscal year, eighteen hundred and seventy-one," or under the provisions or by virtue of any general or special law requiring such pay-

ments, if made upon warrants legally issued by the auditor, are hereby legalized, and all money remaining in the treasury on the first day of October, one thousand, eight hundred and seventy-one, or that may have since been thereinto paid; the surplus of all appropriations made prior to the eighteenth day of January, eighteen hundred and seventy-two, except the unexpended balance of appropriation made by "An act to provide for a preliminary survey of certain railroads through the State of West Virginia," passed February 25, 1871, and all money that may come into the treasury before the first day of October, one thousand, eight hundred and seventy-two, subject to appropriation for state purposes shall constitute a general fund, and be appropriated as follows :

For expenses of the Legislature.....	\$26,000 00	Legislature.
For salary of judges.....	31,000 00	Salaries of judges.
For clerk of the court of appeals.....	1,000 00	Of clerk and reporter of court appeals.
For reporter of the court of appeals.....	1,000 00	Of clerk and reporter of court appeals.
For contingent expenses of courts.....	2,000 00	Contingent expenses of courts.
For criminal charges.....	24,000 00	Criminal charges.
For support of convicts in the penitentiary.....	16,000 00	Convicts.
For pay of guards at the penitentiary.....	8,000 00	Guards.
For salary of superintendent of penitentiary...	1,500 00	Salary of superintendent.
For salary of commissary of penitentiary.....	900 00	Of commissary.
For salary of clerk of penitentiary.....	900 00	Of clerk.
For further construction of the walls of the penitentiary.....	20,000 00	Further construction of penitentiary.
For deficiency in support of convicts for 1871...	2,500 00	Support of convicts 1871.
For deficiency in pay of guards for 1871.....	2,100 00	Pay of guard 1871.
For support of lunatics in jail.....	6,000 00	Lunatics in jail.
For current expenses of hospital for the insane	\$3,000 00	Insane asylum.
For deficiency for construction of hospital for insane, in 1870.....	13,392 94	
For further construction of insane hospital.....	25,000 00	

	For transportation of insane.....	2,500 00
Asylum deaf, dumb and blind.	For current expenses, asylum for deaf, dumb and blind.....	15,000 00
	For further construction of asylum for deaf, dumb and blind, and for furnishing, improv- ing grounds, and providing for mechanical instruction, &c.....	6,000 00
University debt.	For paying university debt, (to be paid on the order of the executive committee,).....	10,000 00
Deficiency in current ex- penses of Uni- versity.	For deficiency in current expenses of univer- sity, (to be paid on order of executive com- mittee,)	3,180 00
Construction of armory.	For construction of armory for the university..	2,500 00
Expenses re- gents and insurance.	For expenses of regents of university, and in- surance.....	475 00
Teachers Mar- shall College.	For teachers at Marshall college.....	2,500 00
Fairmont.	For teachers at Fairmont normal school.....	2,500 00
West Liberty.	For teachers at West Liberty normal school....	2,000 00
Expenses re- gents Normal Schools.	For pay of expenses of regents of normal schools.....	350 00
Convention.	For expenses of convention, in addition to \$10,- 000 00, appropriated by special enactment...	20,000 00
Salaries of executive offi- cers.	For salary of governor.....	2,000 00
	For salary of auditor.....	1,500 00
	For salary of secretary of state.....	1,300 00
	For salary of treasurer.....	1,400 00
	For salary of attorney general.....	1,000 00
Janitor and assistants.	For salary of janitors and assistants.....	1,000 00
Salaries of clerks of secre- tary of state.	For clerk in office of secretary of state.....	1,000 00
Of auditor.	For clerks in office of auditor.....	5,000 00
Of treasurer.	For clerk in office of treasurer.....	1,000 00

For clerk in office of superintendent of schools	1,000 00	Of sup't schools
For private secretary of the governor.....	1,000 00	Of governor.
For civil contingent fund.....	3,000 00	Civil contingent fund.
For fitting up state library, and purchase of books, to be expended under the direction of the board of public works.....	1,000 00	State library.
For contingent expenses of governor's office....	500 00	Contingent expenses of executive offices.
For contingent expenses attorney general's office	200 00	
For contingent expenses auditor's office.....	2,000 00	
For contingent expenses of secretary of state...	800 00	
For contingent expenses treasurer's office.....	400 00	
For public printing, for state and convention...	20,000 00	Public printing.
For balance due John Frew	93 55	John Frew
For salary of keeper of the rolls.....	300 00	Keeper of rolls
For refunding overpaid taxes, sheriffs' commissions, &c.....	2,000 00	Refunding taxes.
For refunding taxes erroneously assessed.....	300 00	
For coal and gas at state house.....	600 00	Coal and gas.
For salary of state librarian	600 00	Salary librarian.
For insurance of library.....	200 00	Insurance.
For pay of state agents.....	500 00	State agents.
For furnishing capitol and improving grounds, to be expended under the direction of board of public works.....	1,000 00	Furnishing capitol, &c.
For flag staff on capital.....	175 00	Flag staff.
For enrolling militia, 1870 and 1871.....	1,650 20	Enrolling militia.
For amount due Morgan and Hoffman.....	300 00	Morgan & Hoffman.

Insuring state building.	For insuring the state building, for the year ending November 2d, 1872.....	376 50
	For insuring the same, for the year ending November 2d, 1873.....	376 50
Printing reports	For printing fifth volume West Virginia reports.....	2,300 00
Furniture auditor's office.	For furniture of auditor's office.....	246 55
Repairing Marshall College.	For repairing and roofing Marshall college, and furnishing and insuring the same, to be expended under the direction of the board of regents	3,000 00
Secretary board regents.	For pay of secretary of board of regents state normal school.....	600 00
Registration births, &c.	For expenses of registration of births, deaths and marriages.....	100 00
W. K. Holmes.	For work done by W. K. Holmes, on state building, and materials furnished therefor...	110 00
A. G. Davis.	For payment of A. G. Davis, late janitor, for services and money expended.....	58 35
Apparatus University.	For apparatus for West Virginia university.....	600 00
When payments authorized.	2. It shall be lawful to make any payment authorized by this act at any time prior to the first day of March, one thousand, eight hundred and seventy-three.	
No money to be drawn until actually required.	3. No money appropriated hereinbefore shall be drawn from the treasury, except as the same may be actually required for immediate use.	

CHAPTER CLXXVI.

An Act imposing a tax for hospital purposes.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Additional levy. 1. That a tax of five cents on each hundred dollars of taxable property shall be assessed the present year, and

collected for the purpose of the further construction and maintenance of the hospital for the insane at Weston.

2. This act shall not be construed to authorize the payment of any greater sum for the construction of said hospital than the sum appropriated for that purpose in the general appropriation act of the present session of the legislature.

Sum not to exceed that authorized by general appropriation act.

CHAPTER CLXXVII.

An Act to incorporate the Arnoldsburg and Harrisville Turnpike Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. It shall be lawful to open books and receive subscriptions, to an amount not exceeding thirty-five thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock company for constructing a turnpike road from, or at some point near the town of Arnoldsburg, in Calhoun county, by the way of Grantsville, in said county, to intersect the Ellenboro and Harrisville turnpike at Harrisville, in the county of Ritchie.

Subscription books.
Capital stock.
Route of road.

The said books shall be opened under the direction of P. Hays, George Lynch, Charles Ritcherson, T. R. Stump, G. W. Hardman, A. Norman, W. H. Thomas, of the county of Calhoun, and W. H. Pierpont, Dr. M. S. Hall, Gen. T. M. Harris, John P. Harris and C. F. Scott, of Ritchie county, or any one or more of them, and at such place or places, and at such time or times, as a majority of the above named commissioners may appoint.

Commissioners to open books.

2. When five hundred dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of "The Arnoldsburg and Harrisville Turnpike Company," subject to any general act of regulations for the incorporation of turnpike companies: Provided, That the said road may be located at

Incorporation.
Style of company.
Grade and material of road.

such grade and constructed of such material as the company may deem most expedient.

Tolls.

Whenever as much as five miles, continuously, of such road shall have been made, and in good repair, tolls not exceeding the tolls allowed by law, may be charged and collected upon such part and parts of said road as shall be completed in sections of five miles from one end to the other.

CHAPTER CLXXVIII.

An Act to provide for a preliminary survey of the Dunkard Valley Turnpike Road.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Authority to employ engineer and assistants.

1. That it shall be lawful for the Dunkard valley turnpike company, to employ a skillful and competent civil engineer, and such engineer, with the approval of a majority of the company, employ such number of assistants and aids, as may be necessary to carry out the work hereinafter mentioned.

Duties of engineer.

2 That said engineer shall select and survey the most eligible and practicable route, for the construction of a turnpike road ; keeping in view the general direction indicated in an act, passed February 23, 1871, for building a road through the counties of Monongalia and Wetzel, to connect the travel from the waters of the Ohio to that of the Monongahela river. The said engineer shall be required to report from time to time as the work progresses, to the aforesaid board, upon the best, nearest and most practicable route, keeping strictly in view the general course provided in the act aforesaid.

His pay and further duties.

3. The pay of said engineer shall be fixed by said board, and when such survey shall have been completed, and approved of by a majority of said company, he shall report to the company the course and distance, with the grade, cuts and fill, and any other thing pertaining to the final completion of said road, and to carry out the provisions

Appropriation.

of this act the sum of one thousand dollars is hereby ap-

appropriated, out of any money in the treasury, not otherwise appropriated, to be drawn, used and accounted for, by said company, in accordance with the foregoing provisions.

CHAPTER CLXXVIX.

An Act to create an Independent School District in the town of West Union, in the county of Doddridge.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That school district No. 4, in the township of West Union, in the county of Doddridge, including the town of West Union, be, and the same is hereby created an independent school district, by the name of "The School District of West Union."

The board of education of the school district of West Union, shall consist of three commissioners, who shall be resident voters of said district. Said commissioners shall be elected by the qualified voters of said district, at an election to be held at West Union, on the first Monday in June next, whose term of office shall commence on the first day of September thereafter, and one, two and three years respectively, their respective terms of office to be determined by lot; said election shall be conducted by A. C. Holmes, L. T. Davis and E. B. Southworth, and annually thereafter on the first Monday in June, the qualified voters of said district shall elect one commissioner, whose term of office shall be three years' commencing on the first day of September of each year; said election shall be conducted by the three commissioners holding over, who may appoint the necessary inspectors and writers, to assist them in conducting said elections.

3. The board of education, at their first meeting, or soon thereafter as shall be practicable, shall elect one of their number president, and a clerk of said board, who shall perform all the duties which are required to be per-

School district established.

Board of education.

How elected.

Term of office.

Commissioners of election.

Annual election.

AS Election of president and clerk.

Their duties.

formed by a president and a clerk of township boards of education.

Board incorporated.

4. The commissioners aforesaid and their successors shall be a body corporate by the name of "The Board of Education of the district of West Union," and shall be in-

Powers of board.

vested with the same rights, exercise the same powers, perform the same duties, and be governed by the same laws as boards of education of townships and trustees of school districts, so far as the same is consistent with the

General law as to trustees not to apply.

provisions of this act, and the provisions of the general school law in relation to the appointment of trustees, shall not be held to apply to the district of West Union. When-

Meaning of "township."

ever 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.

5. The property, real and personal, within the district of West Union now vested in the board of education of West Union township shall by this act vest in the board of education of the district of West Union.

Settlement of accounts.

6. It shall be the duty of the board of education of the district of West Union to notify the board of education of West Union township to meet at some convenient place in said township, during the month of September next, for the purpose of a settlement, and the board of education of the said district shall assume the payment of their proportion of all indebtedness of said township that shall have accrued to the first of September next, and said township board of education shall pay over to said district board of education their proportion of all money on hand, and shall account for all taxes uncollected up to the first day of September next; and the basis of settlement shall be the ratio that the taxable property in said district of West Union bears to the remaining taxable property in said township of West Union.

May change boundary lines.

7. The board of education of the district of West Union may, jointly with the board of education of the township of West Union, change the boundary lines between said district and any adjoining district, and they may permit any person, whether a resident of said district, or otherwise, to attend the school in said district, upon such terms

Non-resident pupils.

as they may prescribe, and may in addition to the branches of education required to be taught in common schools direct such other branches to be taught as they may think proper.

8. The board of education of said district shall annually, at their first meeting in September in each year, or as soon thereafter as convenient, appoint three citizens resident in said district, as a board of school examiners, whose duty it shall be to examine all applicants who may desire to teach in said district, and said board of examiners shall issue the usual certificates to such persons as said examiners may consider entitled to the same.

Board of school examiners.

Duties of board.

9. It shall be the duty of the board of education of the said district of West Union, to determine on the first Monday in May, or as near that time as practicable, the length of the school for the year, so that the same shall not be less than eight months in the year, and the amount of money necessary to be raised by levy, which, with the funds received from other sources, will be sufficient to continue school in the said district not less than eight months in each year, and the said board is hereby authorized to levy a tax upon the property in said district, and to collect the same, and a lien is hereby declared to exist on the real estate taxable in said district, for all taxes levied thereon under this act, and the said board shall carry into effect the provisions of this act in the same manner as provided for collection of taxes by the general school law, except that the district treasurer shall collect instead of the sheriff of the county. The said school district shall not be entitled to the state school fund until the tax herein provided has been levied.

Length of school.

Annual estimate and levy.

Lien for taxes.

Treasurer to collect.

District not to receive state fund until district levy is made.

CHAPTER CLXXX.

An Act to incorporate the Fayette Coal and Iron Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. Samuel Coit, Frederick L. Gleason, of Hartford, Connecticut, Howell Fisher, of Pottsville, Pennsylvania, Corporators.

George W. Moredock, of Hartford city, Mason county, and A. T. Caperton, of Union, Monroe county, West Virginia, and R. H. Catlett, of Staunton, Virginia, their associates and successors, shall be, and they are hereby, constituted a body politic and corporate by the name of

Incorporation. "the Fayette Coal and Iron 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 said company, so that the same are not repugnant to the constitution and laws of this state or of the United States.

Powers of corporation.

Capital stock. 2. The capital stock of said company shall not be less than five hundred thousand dollars, to be divided into shares of fifty dollars each, and which may, at any time, hereafter, by vote of the stockholders, be increased to an amount not exceeding three million dollars. Said stock shall be considered personal property, and shall be transferable, as may be provided for in the by-laws of said company, and each share shall entitle the holder thereof to one vote, in all meetings of the stockholders of said company, to be given in person or by proxy. And for the purpose of obtaining subscriptions to said capital stock, books shall be opened under the direction of the above named corporators, or a majority of them, at such time and at such place, or places, as the persons acting in that behalf may deem expedient, for the whole or any part of such subscriptions, either in land or other property, or money: Provided, the quantity of land so held, together with that originally held by said company, shall not exceed the quantity hereinafter authorized, and if in lands or other property, then at such just price and valuation as may be agreed upon by those receiving such subscriptions. The president and directors of said company shall have power at any time thereafter, and as often as they may deem necessary, and without opening anew books of subscription to said capital stock, to receive further subscriptions to said capital stock and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders of the said company, not to exceed three million dollars in the aggregate; and it may be lawful for all persons and bodies corporate, or politic whatsoever, except counties, townships and municipal cor-

Increase of stock.

Stock transferable.

How stock voted

Books of subscription.

Subscriptions in lands.

Limit to quantity.

Further subscriptions.

Amount.

Who may subscribe.

porations, to become subscribers for, and owners of, shares in the capital stock of said company.

3. The affairs of the corporation shall be managed by Directors. the persons named in the first section of this act, who are hereby constituted directors until other directors shall be elected; and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining Failure or refusal to act: how remedied. person, or persons, shall have power to elect other directors, for the time being, in their stead.

4. The said corporation are authorized and empowered Further powers of corporation. to purchase and hold real estate, not to exceed twenty thousand acres in all, and to sell and convey the same, to engage in mining and manufacturing operations, and in the sale of coal, iron ore and articles manufactured by themselves or others, to lay out and construct tram roads and narrow guage railways, for the transportation of their products and other commodities, in and through the counties of Fayette, Summers, Raleigh, Greenbrier, Monroe and Mercer, from, and to, their mines and works, from, and to, places and points of intersection with general lines of intercommunication, and to transport said products and other commodities, and the products and commodities of others, over said road and their several connections, for which such reasonable rates of tolls may be charged, as are allowed by the laws of this state, and to equip said roads with all necessary and proper stations, buildings, cars, locomotives and machinery for the said objects. And the said company, for the purposes of their said roads and works connected therewith, shall have power to enter upon and condemn lands, and acquire rights of way, according May condemn lands and acquire right of way. to the provisions of the code of West Virginia, chapters forty-two and fifty-two.

5. The said company shall have power to borrow money Authority to borrow money and secure its payment. 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.

6. The stockholders of the said company may admit the Bondholders admitted to representation. bondholders, under any mortgage authorized by the company, to representation in the meeting of the stockholders,

and determine the ratio of votes to be cast therein by them.

Offices of company.

7. The said company may have an office in any city outside of this state, but shall have an office within this state where service may be made in case of suit.

Company to begin operations within three years or forfeit charter.

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

Act amendable.

9. The legislature reserves the right to alter or amend this act; but such alteration shall not affect the vested rights of the company, nor impair the rights of the creditors of the corporation, to have the profits and assets thereof applied in discharge of their respective claims; nor of the stockholders to have the surplus, which may remain after the providing for the debts and liabilities of the corporation, distributed among themselves according to their respective interests.

Rights of creditors and corporations not to be impaired.

CHAPTER CLXXXI.

An Act to incorporate the Gauley River Improvement, Manufacturing, Mining and Lumber Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia:

Incorporators:

1. That Solomon Hawkhurst, Peter Kellar, J. Hawkhurst, N. F. Smith, Isaac L. Enoch, George W. McHenry, R. Williard, D. A. Roberts, E. H. Wilson, S. S. Thompson, S. A. M. Syme, R. H. Maury, A. C. Boyle, Alex. F. Mathews, G. W. Williams, Henry M. Mathews, Allen T. Caperton, M. Triplet, W. R. Black, A. B. Clark, W. L. Clarason, their representatives and assigns, associates and successors, 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 Gauley River Improvement, Manufacturing, Mining and Lumber Company," and by that name shall have successions, shall sue

Incorporation:

and be sued, plead and be impleaded, and make use of a ^{Powers of corporation.} 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.

2. The capital stock of said company shall not be less ^{Capital stock.} than one hundred thousand dollars, to be divided into shares of one hundred dollars each, and may be increased ^{Shares.} by a vote of the stockholders, at any time or times, to an ^{Increase of stock.} amount not to exceed two millions of dollars, and for the purpose of obtaining subscriptions to the corporate stock, or so much thereof as shall be necessary for the lawful purposes of the said company, books shall be opened, ^{Books of subscription.} under the direction of a majority of the persons named in the first section of this act, at such time and place as they may deem expedient.

3. The corporation shall have the exclusive privilege of ^{Exclusive privilege to improve river and construct booms.} improving Gauley river, and its tributaries, by removing or destroying the large rocks and other obstructions in the same, to its usefulness for floating boats, and rafting timber, and may if deemed necessary by said corporation, construct dams across the same, with or without locks, or improve the same by constructing a canal, or making the same navigable by slues, or slack water, or any part thereof, and may construct a boom or booms, with or without piers across the said river or its tributaries, at such point or points as said corporation may deem necessary for the purpose of stopping and securing rafts, masts, spars, logs, staves, and other lumber of value, and also boats. But such boom or booms to be so constructed as ^{Not to obstruct navigation.} not to obstruct ordinary navigation, or unnecessarily delay the passage of rafts or boats, free of boomage. And the ^{Powers of company.} said company may build and erect saw mills, machine shops, manufacturing houses, and other buildings necessary to carry on their lawful business; and may engage in manufacturing of wood, iron, and all articles of merchandise, and may construct tram railways, subject however to the provisions of the code.

4. The said corporation is authorized and empowered to ^{Further powers.} purchase and hold land, not to exceed fifteen thousand acres at one time, in any one county, to sell and convey

real estate, and also to receive land in payment for stock, and to hold, sell and convey the same, and to engage in mining coal, iron, and all other minerals of value; and maintain wharves on Gauley river, and its tributaries—subject however to the code, concerning places of deposits, sale and shipment; and shall have the privilege of passing and repassing their agents and employees on either side of said river, and tributaries, in prosecuting the business.

Rates of toll. 5. The said corporation in compliance with this, may charge and collect toll at the rate of one dollar per thousand feet, for all lumber of value coming down said river from above the mouth of Peters creek, and for all below said creek, at the rate of fifty cents per thousand feet, board measurement—each, which may be drifted or floated down said river, and stopped or detained by said company's boom or booms or otherwise secured, and one half the above rates for timber or rafts that may be floated or rafted down said stream or streams, from above the mouth of Little Elk, not so detained or secured by reason of the improvement of said river and its tributaries, the said corporation shall have a lien on all said logs or other timber thus secured for the payment of all tolls and other expenses until the same is paid.

Lien for tolls.

Sale of unclaimed timber. 6. That if any timber shall have been secured as aforesaid, and no person shall appear to claim the same, and pay the tolls thereon within two weeks from the time it was secured, it shall be lawful for the company after advertising the same for two weeks, by posting at three public places in the county in which the same was boomed or secured, with the mark thereon, to sell the same to the highest bidder, and if the owner appear within a year after sale, and claim the same he shall be entitled to the proceeds after all expenses and tolls are paid, but if not claimed within one year, the proceeds shall inure to, and be vested in the 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 unlawfully or maliciously injure or destroy any of said booms, piers, houses, or other works connected therewith, or shall deface, alter or destroy any marks on any timber whatever belonging to said corporation, or intended for boom or

booms, he shall pay treble damages to be recovered by an action of trespass, brought in the name of said corporation before a justice, or any of the courts of the county in which he or they may reside, or in the county in which the offence was committed, and the person or persons so offending may also be subject to indictment in the circuit court of the county, and on conviction thereof may be punished by fine and imprisonment, at the discretion of the court.

8. That timber in said boom, or booms, shall be counted or measured, and its quantity ascertained by some competent person, or persons, appointed by said company and confirmed by the circuit judge of Nicholas or Fayette counties. Measure of timber.

9. Should any boards, logs or other timber of value, belonging to said company, be carried by the wind or force of current, or otherwise, into any bayous, creeks, caves, or upon any flat land, it shall be a penal offense for any person, or persons, except the owners thereof, to take possession thereof, and sell and convert to his, or their, use said logs or timber, punishable as provided in the seventh section of this act. Penalty for conversion of timber.

10. The corporation shall not be liable for any loss or damage, which may have been caused by fire or flood or by the unlawful act of any person not in their employ. Limit to liability of corporation.

11. Whenever the words logs or timber, occurs in this act, they shall be taken to mean logs and timber of any kind or description, manufactured or unmanufactured. Meaning of words "logs" and "timber."

12. That nothing in this act shall be construed as to deprive owners of property on said river, and tributaries thereof, from recovering damages for injuring other property by said corporation, their agents or employees. Injury to property by corporation.

14. That the said corporation shall organize said company and commence work under this charter, within one year from its passage, else all privileges hereby granted shall be forfeited. When company to organize or forfeit charter.

15. The Gauley river and its tributaries, viz: Meadow river, Hominy creek, Twenty Mile creek, Cherry river, Gauley river and tributaries declared public highways.

Cranberry and Williams rivers, are hereby declared public highways, and the right is hereby reserved to the legislature, to alter or amend this act, but such alteration or amendment shall not effect the rights of the creditors, or impair the vested rights of the corporation.

CHAPTER CLXXXII.

An Act to provide Free Schools for the District of Glenville.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Boundaries of
Glenville school
district.

1. The town of Glenville, and the parts of school districts, contained within the following boundaries, to wit: Beginning at the line between Glenville and Center townships, on the top of the ridge at the head of the left hand fork of Nutters run, and thence a straight line to the Little Kanawha river, opposite the mouth of Stewarts creek, thence crossing the said river to the top of the ridge above Stewarts creek, thence with the top of said ridge to the easterly line of the S. L. Hay's home farm, thence with line of same, crossing Stewarts creek, to the Gilmer, Ripley and Ohio turnpike, thence a straight line to corner of lands owned by Joshua Reed and M. Norris, on Sycamore run, thence with division line of said Reed and Norris to line between Glenville and Dekalb townships, thence with said line to the lower line of lands owned by C. W. Eagon, thence with his line, to the Little Kanawha river, thence crossing said river to the mouth of Big run, thence up said run to line between Glenville and Center townships line, thence with line between said townships to the beginning, shall constitute one school district, and the board of education shall consist of three commissioners, who shall be elected by the resident voters of the district and shall have exclusive control of all schools within the same.

Board of edu-
cation.

Powers and du-
ties of board.

2. The board of education, of the district of Glenville, shall be invested with the same rights and shall exercise the same powers, perform the same duties, and be gov-

erned by the same laws, that boards of education are, except so far as may be otherwise provided in this act. Whenever the word "township" occurs in the school law, it shall be construed to mean "school district," whenever necessary to give effect to this act.

Meaning of "township."

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 Glenville," and by that name may sue and be sued, plead and be impleaded, contract, purchase, hold and grant estates, personal and real, make ordinances, by-laws, and regulations, consistent with the laws of this state, for the government of all persons and things, under its authority, and the proper conducting of its affairs.

Incorporation.

Powers of corporation.

4. The qualified voters of the said district of Glenville, shall on the first Tuesday of April next, elect three commissioners. The supervisor and inspectors of election, of the township of Glenville, shall conduct the said election. Subsequent elections shall be held on the fourth Tuesday in October, in each year.

Election of commissioners.

How election conducted.

Subsequent election.

5. The official term of the commissioners, so elected, shall commence on the first day of May, 1872, and terminate on the thirty-first day of December, 1872. The official term of commissioners elected at subsequent elections, shall commence on the first day of January of each year. Section two, of chapter forty-five, of the code of West Virginia, shall not apply to the first election above provided for, but shall apply to all subsequent elections. The provisions of the general school law, in relation to the appointment of trustees, shall not be held to apply to the district of Glenville.

Official terms of office.

General law as to trustees not to apply.

6. The board of education of the school district of Glenville, 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 a president and a clerk of a township, which may not be inconsistent with this act. They shall also appoint a treasurer, and require from him a bond with sufficient security, in such penalty as may be deemed requisite.

Election of president and clerk.

Their duties.

Treasurer.

His bond.

All moneys collected and received by the treasurer, to be at all times subject to payment on the orders of said board of education, of said district of Glenville.

Primary schools
and central high
school.

7. The board of education of said school district of Glenville, 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, and make all necessary rules and regulations, for the admission of pupils therein, and for the examination that pupils must pass preparatory to admission into schools of higher grade, and to purchase and condemn all necessary real estate for school houses or college sites, and do any other act for the good government of said schools.

Non-resident
pupils.

Examination of
pupils.

May condemn
and purchase
real estate.

District levy.

8. It shall be the duty of the said board of education of the school district aforesaid, to determine at their annual meeting on the first Monday in May, in each year, or as soon thereafter as practicable, the amount of money necessary in addition to all other available funds, which ought to be expended for school purposes, in said district, during the succeeding year, for which amount said board shall levy a tax upon the property included in said district, and the residents thereof, and the same shall be collected by the sheriff, or collector authorized to collect the state taxes in the county of Gilmer, in the same manner as state taxes are collected, and pay the same under the direction of said board to the treasurer of said district, 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.

Lien for taxes.

Limit to levy.

9. The taxes to be 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 used entirely for building purposes, or partly for either, as the board of education may from time to time determine, and the board of education of the said district of Glenville, may settle with the board of education of the township of Glenville,

How appropri-
ated.

Adjustment of
accounts.

and control and receive the proper share of the levies heretofore made in said townships for school and building purposes to which the said district of Glenville may be entitled.

10. The sheriff or collector of the taxes assessed in said district of Glenville, shall be allowed a commission of three per cent. on all moneys collected, and paid over to the treasurer, and the treasurer shall be allowed for paying out the same, a reasonable compensation, to be fixed by the board, not to exceed two per cent. Commissions.

11. The board of education may require the sheriff, or collector and treasurer, to make such reports and settlements, as it may deem expedient, and may remove the treasurer at any time for good cause, after reasonable notice. Reports and settlements of sheriff and treasurer. Removal of treasurer.

12. The board of education of said district is hereby authorized to use the building funds of said district, in connection with other funds, in the erection of a normal school building in the town of Glenville, and shall have the right to use said building for school purposes, and a high school: Provided, The branch normal school be not thereby interfered with. Building fund; how to be used. Normal school. Proviso.

CHAPTER CLXXXIII.

An Act to provide for the extension and completion of the Chesapeake and Ohio Railroad.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the consent of the legislature of West Virginia is hereby given to the amendments of the charter of the Chesapeake and Ohio railroad company made by act of the general assembly of Virginia, passed March 24, 1871, entitled "An act for the extension and completion of the Chesapeake and Ohio Railroad," which act is in the words and figures following, to-wit : Amendments of Va. Assembly agreed to.

“Be it enacted by the General Assembly :

Authority to
build branch
road within
certain limits.

“1. That the Chesapeake and Ohio railroad company may build and work a branch of its road from any point on the main line, not east of Goshen, or west of Covington, to a point on James river, in the city of Richmond, or near thereto, in Henrico or Chesterfield county, by such route as the company may select. The location of this branch shall not interfere with the line of the James river and Kanawha canal, or with its proposed enlargement or improvement, and if any question shall arise as to the interference of any proposed location, the board of public works shall, upon the application of either party, determine it between them before the construction of the railroad.

Not to interfere
with James
River and Kana-
wha canal.

Questions of in-
terference; how
decided.

Authority to
build branch
road from any
point between
Charlottesville
and Staunton
to Potomac
river.
City of Alexan-
dria.

“2. That the said company may build and work a branch of its road from any point on the main line, not west of Staunton, nor east of Charlottesville, by such route as the company may select, to a point on the Potomac river, in the city or county of Alexandria, and should the said branch not run through the city of Alexandria, then the said Chesapeake and Ohio railroad company shall make a branch from said branch to the said city of Alexandria: Provided, That the said company shall not be required to construct the branch into Alexandria until after it shall have completed the said main branch to the Potomac river.

Proviso.

May build
branch road
down peninsula
from Richmond.

“3. That the said company may, if it shall find it expedient, build and work a branch of its road from a point at or near the city of Richmond, down the peninsula, between James and York rivers, to such points, not less than five miles below West Point, upon those rivers or upon the Chesapeake bay, as the company may select.

Authority to
contract with
other companies

“4. If it shall be found in the location or construction of the said branches, or either of them, that a railroad under construction, or for the making of which, a company has been chartered and organized, will interfere or be interfered with, it shall be lawful for the Chesapeake and Ohio railroad company, by contract of purchase or consolidation, to acquire the ownership of such roads, or any of them, or to make such agreements as may be found desirable in order to secure the use of such roads,

or the benefits of such charter, in furtherance of the purposes of this act.

"5. The several branches herein authorized to be constructed shall be liable to such taxation as may be prescribed by law, for other railroads subject to taxation. Liability of branches to taxation.

"6. This act shall be in force from its passage, and the work of construction under it shall be begun within three years after the opening of the main line of the Chesapeake and Ohio railroad from the Ohio river to Richmond, and shall be completed within five years after such commencement: Commencement and completion of work. Provided, That this charter shall be subject to any and all general railroad laws which may at any time be passed by the general assembly of Virginia. Proviso."

CHAPTER CLXXXIV.

An Act incorporating the Raleigh Coal and Iron Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That Pliny Fisk, of Trenton, New Jersey; Samuel Coit and Jay H. Filley, of Hartford, Connecticut; Howell Fisher, of Pottsville, Pennsylvania, and Albert F. McCown, of Hartford city, West Virginia, with their associates and successors, are hereby made and constituted a body politic and corporate, by the name of "The Raleigh Coal and Iron Company," and by that name may have perpetual succession, 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 of the United States. Corporators. Incorporation. Powers of corporation.

2. The capital stock of said company shall be not less than two hundred and fifty thousand dollars, and may be increased at any time hereafter, by vote of the stockholders, to an amount not exceeding one million dollars, and shall be considered personal property, and be transferable. Capital stock. Increase of stock. Amount. Stock transferable.

- as may be provided for in the by-laws of the company, and each share shall entitle the holder thereof to one vote in all meetings of the stockholders, to be given in person or by proxy. And for the purpose of obtaining subscriptions to said capital stock, books shall be opened under the direction of the above named corporators, or a majority of them, at such time and at such place, or places, as the persons acting in that behalf may deem expedient, for the whole or any part of such subscriptions, either in land: Provided, the quantity of land so subscribed, together with that originally held by said company, shall not exceed the quantity hereinafter authorized to be held, or other property, or money; and if in lands or other property, then at such just price and valuation, as may be agreed upon by those receiving such subscriptions; and in case the said company shall organize and proceed to act as a corporation before a sufficient amount is subscribed to said capital stock for the lawful purposes of said company, the president and directors of the company shall have power at any time thereafter, and as often as they may deem necessary, and without opening anew books of subscription to said capital stock, to receive further subscriptions to said capital stock, and to augment the same to such extent as may be authorized and fixed at any general meeting of the stockholders, not to exceed one million dollars in the aggregate; and it shall be lawful for all persons and bodies politic or corporate whatsoever, except counties, townships and municipal corporations, to become subscribers for, and owners of, shares of the capital stock of said company.
- How stock voted
- Subscription books.
- Subscriptions may be in lands.
- Subscriptions after organization.
- Who may subscribe.
- Affairs of company; how managed.
- How vacancies filled in board.
- Powers of company.
3. The affairs of the company shall be managed by the persons named in the first section of this act, who are hereby constituted directors, until other directors shall be elected by the stockholders, and in case of the decease of one or more of said persons, or their refusal to act as directors, the remaining person, or persons, shall have power to elect other directors, for the time being, in their stead.
4. The said company is authorized and empowered to purchase and hold real estate, not to exceed twenty thousand acres in all, and to sell and convey the same, to engage in mining and manufacturing operations, and in the sale

of coal, iron ore, and other articles of their own manufacture or the manufacture of others; to lay out and construct tram roads or narrow gauge railways for the transportation of their products and other commodities, and the products and commodities of others, for which such reasonable tolls may be charged as are allowed by the laws of this state, in and through the counties of Summers, Fayette, Raleigh, Monroe and Greenbrier, from its mines and works to places and points of intersection with general lines of intercommunication.

5. The said company shall have power to borrow money May borrow money and secure its payment for the purpose of carrying out the objects 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.

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

7. Said company may have an office in any city of the Offices. United States outside of this state, but shall have an office in this state where service may be made in case of suit.

8. If said company shall not commence operations with- Commencement of work. in three years from the passage of this act, then the Failure to do so forfeits charter. powers, privileges and franchises herein granted shall be forfeited and cease.

9. The legislature may at any future time, saving and Act amendable. Acquired rights secured. securing the rights acquired by the said corporation herein, modify or amend this act.

CHAPTER CLXXXV.

An Act to test the existence, or non-existence, of minerals under the bed of the Ohio river, in the county of Hancock.

Passed February 28, 1872.

WHEREAS, It is represented that coal and other miner- Preamble als are supposed to lie underneath the bed of the Ohio

river, in the county of Hancock ; therefore, in order to test the existence, or non-existence, of such minerals,

Be it enacted by the Legislature of West Virginia :

Authority of
board to con-
tract.

Trustees.

Stipulations of
contract.

1. The board of public works is hereby authorized to contract with Nathan B. Grafton, Alexander Manypenny, Daniel Donehoo, Ephraim Atkinson and Alfred Chapman, or such of them as may choose so to contract, who are hereby appointed trustees for the purpose hereinafter mentioned, which contract shall be to the effect following, viz: That whenever any person, or persons, whether individually, as a partnership or company, joint stock, or incorporated, with whom the said trustees, or a majority of them, shall have entered into a contract, to faithfully develop and test the existence, or non-existence, of minerals under the bed of the Ohio river, within the following boundaries, viz: Beginning at a point on the West Virginia shore of said river, at the mouth of Hardins run, in the said county of Hancock, corner to lands of Isaac Evans, (saw-mill tract;) thence by a line due west, across the said river, to the line between the States of Ohio and West Virginia; thence northwardly up said state line, to a point opposite to the mouth of Deep Gut run, in said county of Hancock; thence by a straight line across said river to the line of lands of Alexander and Joseph Manypenny, at the mouth of said Deep Gut run; thence southwardly along the lines of riparian owners of lands binding on the Ohio river, to the place of beginning; by at least one shaft sunk to the depth of at least four hundred (400) feet, unless in the opinion of the trustees, the test has been made at a less distance; then the said board of public works, upon the receipt of a certificate of said trustees, or a majority of them, that such person, or persons, company, or firm, with whom they may have so contracted, as aforesaid, has, or have faithfully complied with the requirements and stipulations of their contract, which certificate shall be verified by the oaths of the trustees making such certificate, shall cause to be conveyed, by deed, by the governor, who is hereby authorized to do so, to such person, or persons, company, or firm, so contracted with, and to their heirs or assigns, successors, as the case may be, all the title and interest of the State of West Virginia, of, in and to all the minerals under so much of the said bed of the

Duty of board
of public works
upon receipt of
certificate from
trustees prop-
erly verified.

Ohio river, as is contained within the boundaries hereinbefore mentioned and described.

2. Any person, or persons, company, or firm so contracting with the trustees, as aforesaid, is hereby required to keep a correct and accurate record and description of the different strata passed through in sinking the test shaft, and make due report thereof in writing, verified by the oath of some respectable person, and the requirements contained in this section shall constitute a part of the stipulations in the contract of such person, or persons, company or firm, with the trustees mentioned in the first section.

Duties of persons contracting with trustees.

Requirements of section to constitute part of stipulations in first section.

3. If the certificate as required, in the first section of this act, shall not be made and filed in the office of the secretary of the board of public works, on or before the 1st day of February, 1874, then this act shall become null and void, and of no effect, as affecting this state.

Failure to file certificate annuls act as to this state.

4. No person by reason of the passage of this act shall be entitled to claim or receive any compensation from this state.

No compensation received from state.

5. Nothing contained in this act, or which may be done in pursuance thereof, shall be deemed to authorize any person, or persons, company or firm so contracted with by said trustees, as aforesaid, their heirs or assigns, or successors, as the case may be, to do, or cause to be done anything to obstruct, interfere with, or endanger the navigation of the said Ohio river.

Navigation of Ohio River not to be endangered

CHAPTER CLXXXVI.

An Act to incorporate the Steer Creek Lumber, Boom and Navigation Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. Asa L. Stump, John A. Pulliam, Andrew Fitzsimmons, Charles N. Patterson and Nicholas M. Loving, their

Corporators.

Incorporation. 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 Steer Creek Lumber, Boom and Navigation 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.

Capital stock. 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 may at any time hereafter be increased by the vote of the stockholders to an amount not exceeding one million dollars; and for the purpose of obtaining subscriptions to 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 any two or more of said persons named in the first section of this act, at such time and places as the persons who act in that capacity may deem expedient.

Shares.

Increase of stock.

Books of subscription.

Exclusive privilege of constructing booms within certain limits. 3. The said corporation shall have the exclusive privilege of constructing and maintaining a substantial boom or booms, with or without piers across Steer creek, within one mile of the mouth of said creek, 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 may erect shear booms on said creek, and may dredge and clean the channel of said creek, 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.

Not to interfere with boats.

Powers of company.

May deal in lands and engage in manufacturing, mining, &c. 4. Said corporation are authorized and empowered to purchase and hold lands, to sell and convey real estate not exceeding twenty thousand acres, and to engage in mining and manufacturing, and to erect and maintain wharves on Steer creek, subject to the provisions of the code concerning places of deposit, sale and shipment.

5. The said corporation may, by reason of its compliance with this act, charge and collect toll or boorage at the following rates, to-wit, one dollar for each boat, or raft of timber, passed through said boom or booms; fifty cents per thousand feet—board measure—for all square timber, saw-logs, boards, planks, and other timber that may be floated, rafted or drifted into said boom, and stopped and retained by said boom, or by any other logs or other timber, in said boom. Thirty cents per thousand for all tight barrel staves, and fifty cents per thousand for all other descriptions of staves larger than tight barrel staves, that may be floated or drifted into said boom or booms, and stopped and retained by the same.

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 thirty days, it shall be lawful for the corporation, after advertising the same for two weeks, by posting advertisements at three public places within the valley of Steer creek, 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.

7. That if any person 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 timber intended for said boom he shall pay treble damages, to be secured 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 Calhoun county.

Penalty for conversion 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 offence 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. Steer creek 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.

Steer Creek a public highway.

Limit to liability.

Meaning of words "logs" and "timber."

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.

Injury to mill property.

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

Act amendable.

12. The legislature reserves the right to alter or amend this charter and regulate the tolls at pleasure.

CHAPTER CLXXXVII.

An Act to incorporate the Leading Creek Bridge Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Books of subscription.

1. That it shall be lawful to open books for receiving subscriptions to an amount not exceeding ten thousand dollars, to be divided into shares of twenty-five dollars each, to constitute a joint capital stock for constructing a toll

Shares.

bridge across Leading creek, at or near its mouth, in the county of Gilmer. The said books shall be opened under the direction of S. G. Stalnaker, Salathiel Stump, D. D. Commissioners. Holbert, J. F. Holt, James Cathel, George Woodford, George Fling, J. M. Fisher, H. Cain, Jahugh Holbert, W. T. Wiant, J. P. Powers, Henry Withers, Jacob Lorentz, George W. Riddle, A. Ball, Edgar Wolf, Nelson Bennett, R. G. Lynn and Levi Johnson, or any one, or more than one of them, and at such place, or places, and such time, or times, as a majority of the above named commissioners may appoint; ten days' public notice thereof being pre- Notice of opening books. viously given.

2. When five hundred dollars of the capital stock shall Incorporation. have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of the Leading Creek Style of company. Bridge Company, subject to the provisions of the code of West Virginia.

3. The company shall locate and construct said bridge, Construction of bridge. at, or near, the mouth of Leading creek, in Gilmer county, and when completed may collect tolls thereon, not exceeding the following rates: for a single horse, gelding, jack, mule or jennet, if the same be not hitched to any vehicle, five cents; for twenty sheep or hogs, five cents; Rate of toll. for twenty cattle, twenty cents, and so in proportion to a greater or less number; for riding carriages, whether two or four wheeled, if drawn by one horse, ten cents and five cents for each additional horse, and for each led horse three cents.

4. The board of supervisors of the county of Gilmer, Subscription by Gilmer county. on behalf of the county, may subscribe for the whole amount, or any part thereof, of the capital stock of said company, as said board may choose, and levy the amount thereof on the taxable property of said county, at their first levy, or the one-half such amount at the first, and the residue at the second annual levy, as by said board may be deemed most expedient.

CHAPTER CLXXXVIII.

An Act to incorporate the Sand Fork Bridge Company.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

Books of subscription.

1. That it shall be lawful to open books for receiving subscriptions to an amount not exceeding four thousand dollars, to be divided into shares of thirty dollars each, to constitute a joint capital stock, for constructing a toll bridge across Sand Fork, at or near the mouth of said creek, in the county of Gilmer. The said books shall be opened under the direction of C. B. Conard, S. L. Ruddle, Robert Fleming, W. H. Snider, W. E. Lively, Wm. Burk, William Lynch, A. Stout, C. W. Eagens, J. E. Hays and Thomas R. Floyd, of the county of Gilmer, or any one or more of them, and at such place, or places, and at such time as a majority of the above named commissioners may appoint, ten days' public notice thereof being previously given.

Shares.

Commissioners.

Notice.

Incorporation.

Style of company.

2. When five hundred dollars of the capital stock shall have been subscribed, the subscribers, their executors, administrators and assigns, shall be incorporated into a company by the name and style of "The Sand Fork Bridge Company," subject to the provisions of the code of West Virginia.

May construct bridge.

Rates of toll.

3. The company shall locate and construct said bridge at, or near, the mouth of Sand Fork, in Gilmer county, and when completed may collect tolls thereon not exceeding the following rates: for a single horse, mare, gelding, mule, jack or jennet, if the same be not hitched to any vehicle, three cents; for twenty sheep or hogs, five cents; for twenty cattle, ten cents, and so in proportion to a greater or less number; for riding carriages, whether two or four wheeled, sledges or sleighs, if drawn by one horse, five cents, and one cent for each additional horse.

Subscription by Gilmer county.

4. The board of supervisors of the county of Gilmer, in behalf of said county, may subscribe for the whole amount, or any part thereof, of the capital stock of said company, as said board may choose, and levy the amount thereof on the taxable property of said county at their first levy thereafter, or one-half such amount at their first, and

the residue at the second annual levy, as by said board may be deemed most expedient.

CHAPTER CLXXXIX.

An Act to incorporate the town of Franklin, in the county of Pendleton.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. The corporate limits and boundaries of the town of Franklin, shall be as follows: Beginning at the northeast corner of Samuel P. Priest's lot, east of the road leading to Moorefield, and thence north seventy-five, west forty-four poles, to a stake in E. J. Coatney's pasture; thence south twenty, west eighty poles, to a rock in William M. Coy's pasture, south thirty-one, east forty-two poles to the west bank of the South Branch above the town; thence down the west bank of said branch, north eighty and a half, east twenty-two poles to a crib at the log across said branch, and thence north twelve, east ninety-four poles, to the beginning.

Corporate limits

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

Common council

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

Incorporation.

Style of corporation.

Powers of corporation.

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

Corporate powers; how exercised.

5. There shall be a town sergeant, a treasurer and com-

- Officers to be appointed.** commissioner of the revenue, appointed by the council, to continue in office at its pleasure, and perform the duties respectively as hereinafter prescribed, or may be required by the council.
- Recorder, treasurer and commissioner.** 6. The duties of the office of recorder, treasurer and commissioner of the revenue, may be discharged by the same person, or otherwise, as the council may from time to time determine.
- Terms of office.** 7. The mayor, recorder and councilmen, shall be elected for the term of one year; they shall hold their offices until their successors are elected and qualified, and no one shall be eligible to either of said offices, who is not a resident of said town, and qualified to vote for its common council.
- Qualification for office.**
- First election.** 8. The first election shall be held on the fourth Saturday in March, 1872, at the court-house in said town, under the superintendence of the justice of Franklin township; and annually thereafter there shall be an election on the same day in each year, at such place and under such supervision, rules and regulations as the council of said town may prescribe. The persons conducting the first election shall grant certificates to the persons elected, which shall be entered upon the records with the ordinances of said council, and their term of office shall commence on the first day of April next, after the election.
- Annual election.**
- Certificates of election.**
- Who may vote.** 9. All persons resident in said town, and entitled to vote for county and township officers shall be entitled to vote for mayor, recorder and councilmen.
- Vacancies; how filled.** 10. When a vacancy shall occur, from any cause, in the office of mayor, recorder or council, the vacancy shall be filled by appointment by the council.
- Voto by ballot.** 11. At all elections the vote shall be by ballot, and when two or more persons for the same office at any election shall receive an equal number of votes, the person or persons conducting such an election shall decide by lot which of said persons shall be returned elected. And all contested elections shall be heard and determined by the council for the time being.
- Tie votes.**
- Contested elections.**

12. The mayor, recorder, and councilmen, ^{Oath of office.} treasurer and commissioner of the revenue shall each, before entering upon the duties of his office, and within ten days after being furnished with a certificate of his election, take and subscribe an oath that they will truly, faithfully and impartially discharge the duties of their said offices, respectively, to the best of their abilities so long as they continue therein. The recorder shall take ^{Before whom taken.} such oath or affirmation before a justice or other officer authorized to administer oaths, and thereupon he shall administer the oath aforesaid to the other officers and councilmen. ^{Certificates of oath.} Certificates of the said oaths or affirmation shall be recorded on the journal of the proceedings of the council.

13. When any four of the newly elected councilmen ^{When new council enter upon office} shall have been qualified, they shall enter upon their said offices and supersede the former councilmen.

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

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

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

17. The proceedings of the last meeting shall be read to ^{Reading of journal.} the council, corrected when necessary, and signed by the person presiding for the time being. Upon the call of any member, the ayes and noes, on any question shall be ^{Yeas and nays.} called and recorded in the journal. The mayor, though voting as a member of the council, in cases of a tie, shall ^{Casting vote.} have the casting vote.

Powers of council.

18. The council so constituted shall have all the powers within said town, that are granted to the council of towns and villages, generally, by section twenty-eight, of chapter forty-seven, of the code of West Virginia.

Further powers.

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

Annual levy.

20. The annual levy ordered by the council may be upon all male persons, within said town, over the age of twenty-one years, dogs, hogs and other animals, and on all real estate within said town which is not exempt from state taxation, and all such other subjects in said town, as may, at the time, be assessed with state taxes: Provided, the tax do not exceed twenty-five cents on every hundred dollars value of real and personal property: and, Provided further, that no tax shall be levied upon land used for agricultural purposes, when the said tract, or parcel, of land shall exceed two acres in one body or piece of land belonging to one person, or one dollar per head on each taxable male person.

Limit to levy.

Licenses.

21. When anything for which a state license is required is to be done within the said town, the council may require a town license to be had for doing the same, and may impose a tax thereon for the use of the town, and the council may, in case, require from the person so licensed a bond with sureties, with such penalty, and with conditions as it may determine.

Sergeant; his duties, powers, compensation and liabilities.

22. The sergeant shall collect the town taxes, fines, levies, and licenses, and after thirty days from the time he may receive the books of the commissioner of the revenue

of said town, may distrain and sell therefor in like manner as a sheriff may for state taxes, and shall in all respects have the same powers as a sheriff to enforce the payment and collection thereof, and shall within the corporate limits of the town exercise all the duties that a constable can legally exercise in regard to the collection of claims, executing and levying process, and shall be entitled to the same compensation therefor, and he and his sureties shall be liable to all the fines, penalties and forfeitures that a constable is legally held liable to for any failure or dereliction in said office, to be recovered in the same manner and before the same tribunals, that the same are now recovered against constables.

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

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

25. The mayor shall be the chief executive officer of Mayor; his duties, powers and compensation. the town, shall take care that the by-laws, ordinances and orders of the council are faithfully executed, shall be ex-officio, a conservator and justice of the peace in the town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction in civil causes; shall have control of the police of the town, and may appoint special police officers, shall see that peace and good order are preserved, and that the persons and property are protected in the town; shall have power to issue executions for all fines and costs imposed by him, or may require the immediate payment thereof, and in default of such payment, may commit the

party in default to the jail of the county until the fine and costs be paid, but the term of imprisonment in such cases shall not exceed thirty days. He shall, from time to time recommend to the council such measures as he may deem needful for the welfare of the town, and shall receive a compensation for his services to be fixed by the council, which shall not be increased or diminished for the term for which he was elected.

Recorder; his duties and compensation.

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

Treasurer; his duties.

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

How treasurer and sergeant proceeded against.

Exemption from road tax.

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

Former rights, &c., to vest in town.

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

Existing laws and liabilities to remain in force.

CHAPTER CXG.

AN ACT authorizing the South West Pennsylvania Railway Company to construct and operate a continuation of its railway line within this State.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. The South West Pennsylvania Railway Company, a May construct continuation of railway. corporation duly chartered under the laws of the State of Pennsylvania, is hereby authorized to construct, equip, and operate a continuation of its railway line from the Pennsylvania and West Virginia State line in the county of Monongalia, on the east side of the Monongahela river to the town of Morgantown in said county. Said company shall be subject to all the provisions of the act entitled "An act establishing a code of laws for this State:" Subject to provisions of code. Provided, however, said company shall have one year from the passage of this act within which to commence the construction of said railway, and three years from same date in which to complete the same. Said company is further authorized to extend its line of railway to Fairmont in the county of Marion, at the discretion of its Commencement and completion of road. Board of Directors, within four years from the said date. May extend line to Fairmont.

CHAPTER CXCI.

An Act prescribing the duties of sheriffs in relation to certain moneys which have, or may come to their hands, and devolving upon them certain duties heretofore discharged by the township treasurer.

Passed February 28, 1872.

Be it enacted by the Legislature of West Virginia :

1. That the sheriff of every county shall do and perform Duties and liabilities of sheriff. all the duties and be subject to the same pains, penalties, and liabilities as the former township treasurers, and all moneys heretofore required to be paid to said treasurers shall be paid to said sheriffs. All payments of any such

Payments heretofore made legalized.

moneys heretofore made to any sheriff is hereby legalized.

Sheriffs to execute additional bond.

And the circuit courts of the several counties, or the judges thereof, in vacation, shall require the said sheriffs before proceeding to collect or receive said moneys, to execute an additional bond, with approved security, in a penalty equal to double the amount of such money as may come to their hands respectively in any one year.



JOINT RESOLUTIONS.

[No. 1.]

Joint Resolution appointing a joint committee to wait on the Governor.

Resolved by the Legislature of West Virginia: That a committee of two on the part of the Senate and three on the part of the House of Delegates, be appointed to wait on 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 Jan. 16, 1872.

[No. 2.]

Joint Resolution instructing our Senators and Representatives in Congress to procure the passage of an act authorizing the city of Wheeling to build a draw-bridge across the Ohio river.

Be it Resolved by the Legislature of West Virginia: That our Senators and members of Congress, be instructed and they are hereby so instructed to use their best endeavors to secure the passage of an act by the Congress of the United States, authorizing the city of Wheeling to build a draw-bridge over the main channel of the Ohio river within the corporate limits of said city, said bridge to be used for railroad or other purposes.

ADOPTED Jan. 23, 1872.

[No. 3.]

Joint Resolution concerning the surrender by the State of Virginia, of books, papers, and records in Richmond, in said State, relating exclusively to this State :

WHEREAS, it is reported that in consequence of books and papers, appertaining exclusively to property within this State, remaining at the Capitol in the city of Richmond, in the Commonwealth of Virginia, our citizens are deprived of that ready reference to them for copies and certificates, as evidence which it is desirable to afford ; and

WHEREAS, it is believed that there are many books, papers and records, at the city of Richmond separately relating to this State, which the authorities of Virginia would find it a convenience to surrender, and which would greatly benefit the people of this State :

Be it therefore Resolved by the Legislature of West Virginia : That the Governor of this State, make application to the General Assembly of Virginia, for the surrender to this State, of all books, papers and records, which relate exclusively to this State, and which can without detriment to Virginia, be so surrendered.

Be it further Resolved, that as soon as permission to remove such books, papers and records, be granted by Virginia, that the Governor of this State, cause the same to be removed to the Capitol of this State to be there properly preserved.

ADOPTED Jan. 23. 1872.

[No. 4.]

Joint Resolution requesting the Senators and Members of the House of Representatives from this State, in the Congress of the United States, to vote, and use their influence for the passage of a bill for the improvement of the Ohio river.

Resolved by the Legislature of West Virginia : That our Senators and Representatives in Congress of the United States, be requested to vote, and use their influence for the passage of a bill for the improvement of the Ohio river.

ADOPTED Jan. 27, 1872.

[No. 5.]

Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure the passage of an appropriation for the improvement of the Ohio river.

WHEREAS, The improvement of the navigation of the Ohio river is of such national importance as to require an immediate appropriation by the Congress of the United States, of a sum of money adequate to that end :

Therefore, Resolved by the Legislature of West Virginia: That our Senators be instructed, and our Representatives in Congress be requested to advocate the passage of a bill for that purpose.

RESOLVED, That copies of the foregoing preamble and resolution be communicated by the Governor of this State to the President of the Senate of the United States, and to the Speaker of the House of Representatives; and that the Clerk of the House of Delegates certify like copies to each of our Senators and Representatives in Congress.

ADOPTED Jan. 29, 1872.

— — —
[No. 6.]

Joint Resolution requesting our representatives in congress to vote for the removal of all disabilities, imposed by the third section of the fourteenth amendment to the constitution of the United States.

Resolved by the Legislature of West Virginia :

1. That the senators in the congress of the United States from this State, be instructed, and the representatives thereof requested, to introduce, advocate and vote for a bill to remove all disabilities imposed by the third section, of the fourteenth amendment to the constitution of the United States.

2. That a copy of these resolutions be transmitted by his Excellency, the Governor of the State, to each of our senators and representatives, with the request that they be laid before the Senate and House of Representatives.

ADOPTED January 29, 1872.

[No. 7.]

Joint Resolution requesting our Senators and Members in Congress to provide for constructing a fill or causeway across the west branch of the Ohio River at Wheeling.

WHEREAS, The sole channel of the Ohio River at the city of Wheeling in this State is east of Zane's Island, and the navigation of said channel is difficult by reason of ripples and dangerous bars :

Resolved by the Legislature of West Virginia :

1. That our Senators and Members in Congress be and they are hereby requested to procure the passage of an act at the present session, authorizing and providing for the speedy construction of a fill or causeway across the west branch of the Ohio river from a point at or near the head of Zane's Island in the city of Wheeling to the west bank of said river in Belmont county, Ohio, for the purpose of improving the navigation of said river; said causeway to be as high or higher than the high-water mark of said river.

2. That the Governor of this State be and he is hereby requested to forward a copy of the foregoing preamble and resolution to each of the Senators and Representatives in Congress from this State.

ADOPTED Jan. 29, 1872.

[No. 8.]

Joint Resolution fixing a day for the election of a Janitor and Guards.

Resolved by the Legislature of West Virginia: That the two branches of the legislature will proceed on Friday, the 2d day of February, 1872, at 12 o'clock, M., to elect a janitor and guards.

ADOPTED Feb. 1st, 1872.

[No. 9.]

Joint Resolution in regard to the election of a Janitor and Guard.

Resolved by the Legislature of West Virginia : That the candidate for janitor and guard receiving the lowest vote upon a count, be dropped.

ADOPTED Feb. 2nd, 1872.

[No. 10.]

Joint Resolution in relation to the profiles, maps, courses, distances and survey heretofore made under act of the Legislature of West Virginia, passed Feb. 25, 1871.

Be it resolved by the Legislature of West Virginia : That the Governor be authorized and directed to furnish copies of the report of the survey, with plats, profiles, maps, courses and distances, and any other information ascertained and procured under the act passed February 26, 1871, entitled "An act to provide for a preliminary survey for certain railroads through the State of West Virginia" to the Board of Directors of "The Northern and Southern West Virginia railroad company," upon their order, or to any other railroad company duly organized under charter from this State upon their order : Provided, that such copies shall be made at the cost of the company applying for the same.

ADOPTED Feb. 5, 1872.

[No. 11.]

Joint Resolution in relation to insane colored persons in this State.

WHEREAS, There appears from the reports made to the officers of the West Virginia hospital for the insane, that there are three or more colored lunatics in the jails of this State ; and

WHEREAS, At this time there are no accommodations for such patients at the West Virginia hospital, whilst humanity demands they should be properly cared for ; therefore,

Be it resolved by the Legislature of West Virginia : That his excellency the Governor be requested to open correspondence with the officers of the central lunatic asylum of Virginia, (for colored persons,) with the view of procuring accommodations therein, for the colored lunatics of this state, and to make such contract touching the premises, as in the opinion of the Governor, may be reasonable and fair. And in case an arrangement is made, by which such colored lunatics may be removed to said central lunatic asylum, the Governor is hereby authorized in his discretion to cause such colored lunatics to be removed thereto by the sheriff of the county in whose jail the lunatic may be, and to pay the expenses of such removal, and of supporting said lunatics, in said last named asylum, out of any money appro-

priated for the support of the insane in the jails of the State: Provided, That the compensation to be paid for removing such lunatics, to said central lunatic asylum, shall be the same allowed by section thirty-three, chapter fifty-eight, of the code.

ADOPTED February 5, 1872.

[No. 12.]

Joint Resolution in relation to certain military claims.

Resolved by the Legislature of West Virginia: That the Governor be, and is hereby authorized to withdraw from the files of the Secretary of State and Adjutant General's office, all unpaid military claims growing out of the late war, and that he be and is hereby instructed to forward the same to our Senators and Representatives in Congress, instructing and requesting them to use their influence to secure an appropriation from Congress to pay the same.

ADOPTED, February 9, 1872.

[No. 13.]

Joint Resolution relating to the improvement of the Monongahela river.

WHEREAS, The Monongahela river is a natural highway connecting the States of West Virginia and Pennsylvania; watering a fertile country, rich in undeveloped mineral resources, abounding in timber, with a soil adapted to grazing and agricultural purposes; and

WHEREAS, It is difficult, if not impossible, to procure inter-State co-operation in improving the navigation of said river, which would equally benefit each of the States through which said river passes, as well as the country watered by the river to which it is tributary; and

WHEREAS, A partial survey of said river has already been had at the national expense, therefore,

Be it Resolved by the Legislature of West Virginia: Our senators in Congress are instructed, and Representatives requested, to use every reasonable and honorable effort to procure such appropriation as may be necessary to improve the navigation of said river above the present slack water improvement, so as to make it navigable, as far up said

stream as may be practicable for boats of the same size as now ply within said improvement.

ADOPTED Feb. 9, 1872.

(No. 14.)

Joint Resolution requiring certain duties of the Clerk of the House of Delegates.

Be it Resolved by the Legislature of West Virginia: That the clerk of the House of Delegates be instructed, and directed, to prepare a tabular statement, of the time of holding each of the terms of the various circuit courts throughout this State; and that the same be published, together with the public acts, and other proceedings of the Legislature of this State, with the printed acts thereof.

ADOPTED Feb. 28, 1872.

(No. 15.)

Joint Resolution appointing Commissioners to inquire into the rates of freight and travel on the Baltimore and Ohio Railroad.

Be it Resolved by the Legislature of West Virginia: That Logan Osburn, John Bassel and T. H. Woodward be appointed a commission with power, and they are hereby directed and instructed to make inquiry into the charges for travel and transportation over the Baltimore and Ohio railroad, and the branches thereof in this State, and whether the same are legal, just and equitable, or otherwise; what discriminations exist between through and way freight and travel; whether said railroad company is in any way violating the laws of the State; and all other matters in connection with said railroad, which concern the rights and equities of the public.

Resolved, second: That said above named commissioners shall receive the same mileage and per diem for their services, while discharging the same, as Members of the Legislature, are entitled to receive, and report in writing to the Legislature, at its next regular session.

Resolved, third: Provided that the total cost of the execution of this commission including mileage, per diem, and all incidental expenses, shall in no wise exceed six hundred dollars.

That the president of said company shall furnish said commissioners the information, when called on, necessary to enable them to discharge their said duties.

ADOPTED February 28, 1872.

(No. 16.)

Joint Resolution appointing a joint committee to wait upon the Governor.

Resolved by the Legislature of West Virginia: That a joint committee of three from the House and two from the Senate be raised for the purpose of waiting upon the Governor to ascertain if he has any communication to make to the Legislature.

ADOPTED Feb. 28, 1872.

(No. 17.)

Joint Resolution providing for the adjournment of the Legislature of West Virginia.

Resolved by the Legislature of West Virginia: That this Legislature will adjourn *sine die* at 4 o'clock, P. M., on Thursday, February 29, 1872.

ADOPTED February 29, 1872.

C O R P O R A T I O N S .

THE CLARKSBURG GAS COMPANY.

I, John M. Phelps, 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 Gas Company," for the purpose of establishing gas works in the town of Clarksburg for lighting said town with gas, and to lay pipes and other necessary fixtures and machinery in the streets and alleys of said town, and to hold such property as may be essential to the successful operations of said gas works in the manufacture of gas from coal and other substances for the use of said town and the citizens thereof, and to manufacture such articles and material, purchase and sell the same as may be necessary in the working of said gas company, on the terms ordained by the mayor and common council of said town of Clarksburg by an ordinance passed by them on the 13th day of March, 1871, which corporation shall keep its principal office or place of business at Clarksburg in the county of Harrison, and is to expire on the 13th day of March, 1891. 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 fifty thousand (\$50,000) dollars in all. The capital so subscribed is divided into shares of one hundred dollars which are held by the undersigned respectively, as follows, that is to say :

By Benjamin F. Shuttleworth, of Clarksburg, twenty shares ;

By Joseph F. Osborn, of Clarksburg, ten shares ;

Corporations.

By Richard T. Lowndes, of Clarksburg, twenty shares ;

By Nathan Goff, Jr., of Clarksburg, forty shares ;

By Ashbel G. Smith, of Clarksburg, ten shares ;

By Burton Despard, of Clarksburg, fifty shares ;

By Notley A. Shuttleworth, of Clarksburg, twenty shares ;

By Lloyd Lowndes, of Clarksburg, twenty shares ;

By Edwin Maxwell, of Clarksburg, ten shares ;

And the capital to be hereafter sold to be divided into shares of the like amount.

Given under our hands this 15th day of March, 1871.

(Signed.)

B. F. SHUTTLEWORTH,
J. F. OSBORN,
R. T. LOWNDES,
NATHAN GOFF, JR.
A. G. SMITH,
B. DESPARD,
N. A. SHUTTLEWORTH,
LLOYD LOWNDES,
EDWIN MAXWELL.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the thirteenth day of March, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this 20th day of March, eighteen hundred and seventy-one.

SEAL.

JOHN M. PHELPS,
Secretary of the State.

WHEELING TOW BOAT AND BARGE COMPANY.

I, John M. Phelps, 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 Tow Boat and Barge Company, for the purpose of carrying on a transportation business with steam boats and barges upon the western rivers, 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 April eighteen hundred and ninety one (1891). And for the purpose of forming the said corporation we have subscribed the sum of seven thousand dollars to the capital thereof, and have

paid in on said subscription the sum of seven thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each which are held by the undersigned respectively, as follows, that is to say:

By Edwind Hornbrook, of Wheeling, W. Va., twenty shares;

By Wm. M. List, of Wheeling, W. Va., ten shares;

By John S. Trimble, of Wheeling, W. Va., ten shares;

By Jacob Hornbrook, of Ohio county, fifteen shares;

By Thomas Hornbrook, of Wheeling, W. Va., five shares;

By George K. Wheat, of Wheeling, W. Va., ten shares;

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this first day of April eighteen hundred and seventy-one (1871.)

E. H.	EDWIN HORNBOOK,
W. M. L.	WM. M. LIST,
J. S. T.	JOHN S. TRIMBLE,
J. H.	JACOB HORNBOOK,
G. K. W.	GEORGE K. WHEAT.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this fourth day of April, eighteen hundred and seventy-one.

G. S.

JOHN M. PHELPS,
Secretary of the State.

KANAWHA MANUFACTURING COMPANY.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the Kanawha Manufacturing Company for the purpose of manufacturing

lumber, building material, furniture, boats and barges, which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, and is to expire the first day of April, A. D., 1891. And for the purpose of forming the said corporation we have subscribed the sum of twenty thousand, \$20,000 dollars, to the capital thereof, and have paid in on said subscriptions the sum of twelve thousand \$12,000 dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to one hundred thousand, (\$100,000) dollars in all. The capital so subscribed is divided into shares of one hundred, (\$100) dollars each, which are held by the undersigned, respectively, as follows, that is to say:

By J. Brisben Walker, one hundred and seventy-eight (178) shares

By James Ritchie, ten (10) shares;

By George Ritchie, Sr., ten (10) shares;

By John C. Bailey, one (1) share;

By A. J. Vosburgh, one (1) share.

Given under our hands and seals this 3d day of April, A. D., 1871.

J. BRISBEN WALKER, [SEAL.]

JAS. RITCHIE, [SEAL.]

GEORGE RITCHIE, [SEAL.]

J. C. BAILEY, [SEAL.]

A. J. VOSBURGH, [SEAL.]

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this fifth day of April, eighteen hundred and seventy-one.

G. S.

JOHN M. PHELPS,
Secretary of the State.

THE ALDEN CHEMICAL COMPANY.

I, John M. Phelps, 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 Alden Chemical Company," for the purpose of mining and

shipping coal, manufacturing and shipping salt and iron and manufacturing and shipping alkali soaps and lumber, and for manufacturing and dealing in any or all articles made in part, or altogether, of either salt, wood or iron; also, 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 make insurance on lives, to grant annuities, to lend money upon personal or real security, 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 Alden city, in the county of Kanawha, and is to expire on the 1st day of April, 1891.

And for the purpose of forming the said corporation we have subscribed the sum of six thousand 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 the sale of additional shares to one million dollars in all. The capital subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say:

By Edwin A. Thomas, of the city of Philadelphia, Pa., twenty shares;

By Henry C. Dickinson, of Charleston, W. Va., ten shares;

By Edwin T. Jaques, of New York city, N. Y., ten shares;

By E. B. Knight, of Charleston, W. Va., ten shares;

By Alanson B. Tallman, of Alden city, ten shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 8th day of April, A. D. 1871.

(Signed.)

EDWIN A. THOMAS,	[SEAL.]
H. C. DICKINSON,	[SEAL.]
E. T. JAQUES,	[SEAL.]
E. B. KNIGHT,	[SEAL.]
A. B. TALLMAN,	[SEAL.]

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of April, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this 12th day of April, eighteen hundred and seventy-one.

G. S.

JOHN M. PHELPS,
Secretary of the State.

THE NATIONAL LOW WATER INDICATOR COMPANY.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "The National Low Water Indicator Company," for the purpose of manufacturing and vending low water indicators and other machinery, which corporation shall keep its principal office, or place of business, at Charlestown, Kanawha county, West Virginia, and is to expire on the 23d day of April, 1891. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to three 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, that is to say: by

John P. Hale, Charleston, West Virginia, one share;

James W. Oaks, Charleston, West Virginia, one share;

Joseph D. Moore, Charleston, West Virginia, one share;

Philip H. Galligher, Charleston, West Virginia, one share;

C. Downing, Jr., Kanawha Salines, one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 26th day of April, 1871.

[Signed,]

J. P. HALE,
 JAMES W. OAKS,
 J. D. MOORE,
 P. H. GALLIGHER,
 C. DOWNING, Jr.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-third day of April, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this twenty-seventh day of April, eighteen hundred and seventy-one.

G. S.

J. M. PHELPS,
 Secretary of the State.

THE PARKERSBURG COAL COMPANY.

I, John M. Phelps, 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 Coal Company, for the purpose of mining, shipping and selling coal, which corporation shall keep its principal office or place of business at Parkersburg, Wood county, West Virginia, and is to expire on the 1st day of February, eighteen hundred and ninety-one, (1891). And for the purpose of forming said corporation, we have subscribed the sum of twenty-one thousand dollars to the capital thereof, and have paid in on said subscription the sum of ten thousand dollars, (\$10,000), and desire the privilege of increasing the said capital by sale of additional shares from time to time, to seventy-five thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

By Edmond P. Chancellor, of Parkersburg, West Virginia, fifteen shares;

By John W. Curtis, of Parkersburg, West Virginia, ten shares;

By William N. Chancellor, of Parkersburg, West Virginia, twenty shares;

By Chapman J. Stuart, of West Union, Doddridge county, West Virginia, ten shares;

By Andrew S. Core, Ellenboro, Ritchie county, West Virginia, ten shares;

By Marcus C. C. Church, Parkersburg, West Virginia, ten shares;

By Lewis N. Logan, Parkersburg, West Virginia, ten shares;

By M. M. Clements, Parkersburg, West Virginia, ten shares;

By Charles H. Shattuck, Parkersburg, West Virginia, ten shares;

By Ferdinand Y. Horner, Williamsburg, West Virginia, ten shares;

By Geo. H. Lee, Clarksburg, West Virginia, ten shares;

By Geo. Hardman, Independence, Preston county, West Virginia, ten shares;

By Richard T. Lowndes, Clarksburg, West Virginia, ten shares;

By Wm. Marbury, Volcano, Wood county, West Virginia, ten shares;

By Benjamin Wilson, Wilsonburg, Harrison county, West Virginia, forty-five shares;

By Mathew Campbell, Parkersburg, West Virginia, ten shares;

And the capital to be hereafter sold and to be divided into shares of the like amount.

Given under our hands this 23d day of February, 1871.

(Signed)

E. P. CHANCELLOR,
JOHN W. CURTIS,
W. N. CHANCELLOR.
C. J. STUART,
A. S. CORN,
M. C. C. CHURCH,
LEWIS N. LOGAN,
M. M. CLEMENTS,
C. H. SHATTUCK,
FERDINAND Y. HORNER,
GEORGE H. LEE,
GEORGE HARDMAN,
R. T. LOWNDES,
W. MARBURY,
B. WILSON,
M. CAMPBELL.

Wherefore, The corporators named in said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of February, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this 13th day of May, eighteen hundred and seventy-one.

G. S.

(Signed)

J. M. PHELPS,
Secretary of the State.

THE CANNELTON COAL COMPANY OF WEST VIRGINIA.

I, J. M. Phelps, 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 Cannelton Coal Company of West Virginia, for the purpose of mining, shipping, transporting, manufacturing, and selling coal, salt, and other minerals, and mineral products, and preparing the same for market, and for the producing, manufacturing, shipping, and selling lumber, or other articles, or interests or engaging in other business, or exercising other privileges, connected with their said general business of mining, and shipping coal, and minerals; which corporation

shall keep its principal office or place of business at the city of New York, in the county and State of New York, and is to expire upon the twenty-sixth day of May, in the year one thousand eight hundred and ninety-one.

And for the purpose of forming the said corporation, we, the undersigned, have subscribed the sum of six hundred thousand dollars (\$600,000) to the capital thereof, and have paid in on said subscription, the sum of sixty thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to the sum of one million of dollars in all.

The capital so subscribed is divided into six thousand shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say:

By A. Morton Ferris, of the city and county and state of New York, 100 shares;

By James Wilson, of the city and county and state of New York, 5,200 shares;

By Woodbury Langdon, of the city and county and state of New York, 100 shares;

By D. Jackson Steward, of the city and county and state of New York, 500 shares;

By Geo. L. Haight, of the city and county and state of New York, 100 shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-sixth day of May, in the year one thousand eight hundred and seventy-one.

(Signed)

A. MORTON FERRIS,
JAMES WILSON,
WOODBURY LANGDON,
D. JACKSON STEWARD,
G. L. HAIGHT.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-sixth day of May, eight hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said state, at the city of Charleston, this first day of June, eighteen hundred and seventy-one.

G. S.

(Signed)

JOHN M. PHELPS,
Secretary of State.

THE BANK OF LEWISBURG.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following :

The undersigned agree to become a corporation, by the name of the Bank of Lewisburg, for the purpose of doing business as a bank of discount and deposit, and the usual financial business transacted by banks other than those of issue, which corporation shall keep its principal office or place of business, at Lewisburg, in the county of Greenbrier, West Virginia, and is to expire on the 1st day of January, 1890, and for the purpose of forming the said corporation, we have subscribed the sum of sixteen thousand (\$1,600) dollars to the capital thereof, and have paid in on said subscription the sum of sixteen hundred (\$1,600) dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say,

Sam'l. Price, fifty shares, \$5,000;
 Thomas Mathews, twenty shares, \$2,000;
 Henry M. Mathews, ten shares, \$1,000;
 A. F. Mathews, ten shares, \$1,000;
 A. C. Snyder, ten shares, \$1,000;
 Thos. A. Henning, ten shares, \$1,000;
 J. N. Montgomery, five shares, \$500;
 B. F. Harlow, five shares, \$500;
 J. E. Bell, five shares, \$500;
 Jno. Withrow, five shares, \$500;
 J. S. Johnston, five shares, \$500;
 O. Callison, five shares, \$500;
 Cabell & Vandiver, five shares, \$500;
 Thomas L. Sydenstricker, ten shares, \$1,000;
 William H. Montgomery, five shares, \$500;
 All of Lewisburg, West Virginia.

Given under our hands, this 18th day of May, 1871.

(Signed)

SAMUEL PRICE,
 HENRY M. MATHEWS,
 A. C. SNYDER,
 JAS. N. MONTGOMERY,
 J. E. BELL,
 OSCAR CALLISON,
 CABELL & VANDIVER,

THOMAS MATHEWS,
 ALEX'R F. MATHEWS,
 F. A. HENNING,
 B. F. HARLOW,
 J. S. JOHNSTON,
 JOHN WITHROW,
 THOS. L. SYDENSTRICKER,

W. H. MONTGOMERY.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this second day of June, eighteen hundred and seventy-one.

{
G. S.
}

[Signed,]

JOHN M. PHELPS,
Secretary of State.

CENTRAL LAND COMPANY OF WEST VIRGINIA.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation under and in pursuance of chapter fifty-four of the laws of the State of West Virginia in relation to joint stock companies and the acts amending the same by the name of the Central Land Company of West Virginia, for the purpose of mining and selling coal and iron and manufacturing iron, and for the laying out of cities, towns and villages, parks, lawns and cemeteries, purchasing real estate, and holding and disposing of the same for profit, establishing factories, wharves, dockyards and waterways, and constructing railroad tracks to and from the same, which corporation shall keep its principal office or place of business at the city of New York, in the county of New York, and State of New York, and is to expire on the twenty-sixth day of May, in the year eighteen hundred and ninety-one. And for the purpose of forming the said corporation we have subscribed the sum of two hundred and four thousand dollars to the capital thereof, and have paid in on said subscription the sum of two hundred and four thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one million dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say,

By Collis P. Huntington of New York city, 300 shares, \$30,000 paid;

By Harvey Fisk of New York city, 300 shares, \$30,000 paid ;

By Alfredrick S. Hatch of New York city, 300 shares, \$30,000 paid ;

By Abiel A. Low of Brooklyn, New York, 300 shares, \$30,000 paid ;

By William H. Aspinwall of New York city, 300 shares, \$30,000 paid ;

By William Whitewright, Jr., of New York city, 150 shares, \$15,000 paid ;

By Jonas G. Clark of New York city, 300 shares, \$30,000 paid ;

By William B. Hatch of New York city, 30 shares, \$3,000 paid ;

By Pliney Fisk of Trenton, New Jersey, 30 shares, \$3,000 paid ;

By James H. Storrs of Brooklyn, New York, 30 shares, \$3,000 paid ;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands and seals this 26th day of August, A. D., eighteen hundred and seventy-one.

(Signed)

C. P. HUNTINGTON,
HARVEY FISK,
A. S. HATCH,
A. A. LOW,
WM. H. ASPINWALL,
W. WHITEWRIGHT, JR.,
JONAS G. CLARK,
WILLIAM B. HATCH,
PLINEY FISK,
JAS. H. STORRS.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-sixth day of May, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this eighth day of June, eighteen hundred and seventy-one.

G. S.

(Signed)

JOHN M. PHELPS,
Secretary of State.

THE LITTLE GIANT GRAIN SCREEN COMPANY.

I, John M. Phelps, 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 "Little Giant Grain Screen Company," for the purpose of manufacturing and selling grain screens, which corporation shall keep its principal office or place of business at the city of Charleston, Kanawha county, West Virginia, and is to expire on the first day of July, 1881, and for the purpose of forming the said corporation we have subscribed the sum of \$500 to the capital thereof, and have paid in on said subscription the sum of \$50, and desire the privilege of increasing the said capital by sales of additional shares from time to time to \$50,000, in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say:

By J. L. Carr, Charleston, W. Va., one share;

By J. D. Lewis, Kanawha Salines, W. Va., one share;

By A. P. Sinnett, Charleston, W. Va., one share;

By Wm. H. Tompkins, Kanawha Salines, W. Va., one share;

By J. W. Cracraft, Charleston, W. Va., one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this first day of July, 1871.

(Signed)

JAMES L. CARR,
JOHN D. LEWIS,
A. P. SINNETT,
W. H. TOMPKINS,
J. W. CRACRAFT.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of July, 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 Charleston, this tenth day of July, eighteen hundred and seventy-one.

G. S.

(Signed)

JOHN M. PHELPS,
Secretary of State.

KANAWHA DAILY COMPANY.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the

proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "Kanawha Daily Company," for the purpose of printing, publishing and establishing a daily paper in Charleston, Kanawha county, West Virginia, which will be neutral in politics and devoted chiefly to the encouragement, development and faithful record of the material operations and interests of the city of Charleston, the county and valley of Kanawha, and the State of West Virginia, which corporation shall keep its principal office, or place of business, at Charleston, in the county of Kanawha, and is to expire on the 25th day of July, 1891.

And for the purpose of forming the said corporation we have subscribed the sum of one thousand dollars (\$1,000.00) to the capital thereof, and have paid in on said subscription the sum of one hundred dollars (\$100.00,) and desire the privilege of increasing the said capital, by sale of additional shares, from time to time, to twenty-five thousand dollars (\$25,000.00) in all.

The capital so subscribed is divided into shares of twenty-five dollars (\$25.00,) each, which are held by the undersigned respectively, as follows: that is to say, by

Tho's L. Broun, Charleston, West Virginia, four shares, \$100.00;
 J. P. Hale, Charleston, West Virginia, four shares, \$100.00;
 Isaac N. Smith, Charleston, West Virginia, four shares, \$100.00;
 Alexander T. Laidley, Charleston, West Virginia, four shares \$100.00;

Tho's M. Hughes, Charleston, West Virginia, four shares, \$100.00;
 John Slack, Charleston, West Virginia, four shares, \$100.00;
 Frank J. Harmison, Charleston, West Virginia, four shares, \$100.00;
 Hedgman Slack, Charleston, West Virginia, four shares, \$100.00;
 J. Brisben Walker, Charleston, West Virginia, four shares, \$100.00;
 Chas. C. Lewis, Charleston, West Virginia, four shares, \$100.00;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 25th day of July, 1871.

(Signed,)	THO'S. L. BROUN,
"	J. P. HALE,
"	ISAAC N. SMITH,
"	ALEX. T. LAIDLEY.
"	JNO. SLACK,
"	FRANK J. HARMISON,
"	THO'S. M. HUGHES,
"	H. SLACK,
"	J. BRISBEN WALKER,
"	CHA'S C. LEWIS.

Wherefore, the corporators named in said agreement, and who have signed the same, and their successors and assigns, are hereby declared

to be, from this date until the twenty-fifth day of July, eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this second day of August, eighteen hundred and seventy-one.

G. S.

(Signed)

JOHN M. PHELPS,
Secretary of State.

THE WEST END BUILDING ASSOCIATION OF CHARLESTON, WEST VIRGINIA.

I, J. M. Phelps, 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 End Building Association of Charleston," W. Va., for the purpose of raising money and loaning the same to assist in constructing buildings, which corporation shall keep its principal office or place of business at Charleston, Kanawha county, State of West Virginia, and is to expire on the 15th day of July, 1881.

And for the purpose of forming the said corporation we have subscribed the sum of \$125.00 to the capital thereof, and have paid in on said subscription the sum of \$12.50, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to \$500.000 in all. The capital so subscribed is divided into shares of \$2.50, which are held by the undersigned respectively as follows: that is to say,

By J. Brisben Walker, Charleston, West Va., ten shares.

By R. C. Humphries, Charleston, West Va., five shares.

By A. A. Preston, Charleston, West Va., five shares.

By Jno. F. Ronan, Charleston, West Va., six shares.

By J. C. Bailey, Charleston, West Va., four shares.

And the capital to be hereafter sold to be divided into shares of the like amount.

Given under our hands this 15th day of July, 1871.

(Signed)

J. BRISBEN WALKER,
R. C. HUMPHRIES,
A. A. PRESTON,
JNO. F. RONAN.
JOHN C. BAILEY.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the fifteenth day of July, 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 Charleston, this second day of August, eighteen hundred and seventy-one.

{
G. S.
}

(Signed.) JOHN M. PHELPS.
Secretary of State.

SEHON COAL COMPANY.

I, J. M. Phelps, 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 Sehon Coal Company, for the purpose of mining and selling coal, and manufacturing and selling salt bromine, chloride of calcium and boring and excavating for minerals generally; which corporation shall keep its principal office or place of business in the town of Hartford City, Mason county, West Virginia, and is to expire on the first day of January, Anno Domini, 1887. And for the purpose of forming the said corporation, we have subscribed the sum of six thousand dollars as follows:

Wyatt Willis, one thousand, \$1000;
Owen B. Smith, one thousand, \$1000;
Robert Embleton, one thousand, \$1000;
Robert Robinson, five hundred, \$500;
Robert Stobart, five hundred, \$500;
J. W. Kelley, five hundred, \$500;
A. S. Sehon, five hundred, \$500;
R. L. Winkleback, five hundred, \$500;
Ed. Sehon, five hundred, \$500;

to the capital thereof, and have paid on said subscription the sum of six hundred dollars and desire the privilege of increasing the said capital, by the sales of additional shares from time to time to fifty thousand dollars in all. The capital so subscribed is divided into shares

of one hundred dollars each, which are held by the undersigned respectively as follows: that is to say,

W. Willis, (10) ten shares;
 O. B. Smith, (10) ten shares;
 Robert Embleton (10) ten shares.
 J. W. Kelley, (5) five shares;
 Robert Stobart, (5) five shares;
 Robert Robinson, (5) five shares;
 R. S. Winkleback, (5) five shares;
 A. L. Schon, (5) five shares;
 Edmond Schon, (5) five shares;

And the capital to be hereafter sold to be divided into shares of like amount.

Given under our hands and seals, this day, the 23d of August, 1871.

[Signed].

WYATT WILLIS,
 OWEN D. SMITH,
 ROBERT EMBLETON,
 JAMES W. KELLEY,
 ROBERT ROBINSON,
 ROBERT STOBART,
 R. S. WINKLEBACK,
 A. L. SCHON,
 EDMOND SCHON;

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and 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 Charleston, this twenty-sixth day of August, eighteen hundred and seventy-one.

G. S.

[Signed.]

JOHN M. PHELPS,
 Secretary of State.

WOOD COUNTY AGRICULTURAL AND MECHANICAL ASSOCIATION.

I, J. M. Phelps, 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 "Wood County Agricultural and Mechanical Association," for the purpose of promoting and encouraging agricultural and mechanical inter-

ests, encouraging the raising and improvement of live stock, and of acquiring real estate for Fair grounds, buildings, &c., which corporation shall keep its principal office of business at Parkersburg, Wood county, West Virginia, and to expire January 1st, 1892. And for the purpose of forming said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to thirty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows: that is to say,

By Lewis N. Logan of Parkersburg, W. Va., five shares;

By C. M. McMillan of Parkersburg, five shares;

By James M. Jackson of Parkersburg, five shares;

By W. N. Chancellor of Parkersburg, W. Va., five shares;

By J. N. Camden of Parkersburg, W. Va., five shares;

By C. H. Shattuck of Parkersburg, W. Va., five shares;

By C. S. Despard of Parkersburg, W. Va., five shares;

By W. Vroomer of Parkersburg, W. Va., five shares;

By J. L. Buckley of Parkersburg, W. Va., five shares;

By C. C. Martin of Parkersburg, W. Va., five shares;

And the capital to be hereafter sold is to be divided into shares of the like amounts.

Given under our hands, this 15th day of September, eighteen hundred and seventy-one.

(Signed)

LEWIS N. LOGAN,
C. M. McMILLAN,
JAMES M. JACKSON,
W. N. CHANCELLER,
J. N. CAMDEN,
C. H. SHATTUCK,
C. S. DESPARD,
W. VROOMER,
J. L. BUCKLEY,
C. C. MARTIN.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-two, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this twenty-third day of September, eighteen hundred and seventy-one.

G. S.

(Signed)

J. M. PHELPS,
Secretary of State.

THE BAPTIST RECORD PRINTING AND PUBLISHING
COMPANY.

I, J. M. Phelps, 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 " Baptist Record Printing and Publishing Company." It shall be the object of the company to purchase and hold printing material and stock ; the stock to be leased or otherwise used for the publication of a paper known as the " Baptist Record," and for carrying on the business of printing generally ; the said corporation shall keep its principal office or place of business, in the town of Charleston, county of Kanawha, State of West Virginia, and said corporation to expire on the twenty-fifth day of September in the year of our Lord, one thousand eight hundred and ninety-one. And for the purpose of forming the said corporation we have subscribed the sum of one hundred and thirty dollars, to the capital stock thereof, and have paid in on said subscription, the sum of thirteen dollars, and desire the privilege of increasing the said capital by the sale of additional shares from time to time, to five thousand dollars in all. The capital so subscribed is divided into the sum of five dollars each, which are held by the undersigned respectively as follows : that is to say,

By A. P. Sinnett, of Kanawha county, four shares ;

By T. M. Shelton, of Kanawha county, four shares ;

By M. Levi, of Kanawha county, four shares ;

By J. B. Hardwicke, of Kanawha county, five shares ;

By Henry Young, of Kanawha county, two shares ;

By A. G. Davis, of Kanawha county, two shares ;

By James H. Ferguson, of Kanawha county, five shares ;

And the capital to be hereafter sold is to be divided into shares of the same amount.

Given under our hands, this 25th day of September, 1871.

(Signed) :

A. P. SINNETT,
THOS. M. SHELTON,
JAMES H. FERGUSON,
J. B. HARDWICKE,
HENRY YOUNG,
A. G. DAVIS,
M. LEVI.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-fifth day of September,

eighteen hundred and ninety-one, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this twenty-fifth day of September, eighteen hundred and seventy-one.

G. S.

(Signed.) J. M. PHELPS,
Secretary of State.

SECOND CREEK HIGH SCHOOL.

I, John M. Phelps, 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 "Second Creek High School," for the purpose of establishing and maintaining, at Second Creek, in the county of Greenbrier, State of West Virginia, a primary and classical school, for teaching branches of useful information, and the diffusion of knowledge; which corporation shall keep its principal place of business at Second Creek aforesaid, and to be perpetual unless legally dissolved. And for the purpose of forming the said corporation we have subscribed the sum of three hundred and eighty dollars to the capital stock thereof, and have paid in on said subscription the sum of thirty-eight 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 five thousand dollars. The capital so subscribed is divided into shares of twenty dollars, each of which are held by the undersigned respectively as follows: that is to say, by

James M. Nickell, Monroe county, two shares;
Robert A. Patton, Monroe county, one share;
John W. Jackson, Monroe county, three shares;
Charles W. Hutcheson, Monroe county, two shares;
Benjamin Vanstavern, Monroe county, one share;
T. F. Nickell, Monroe county, one share;
Newton Dickson, Monroe county, one share;
John C. Burdett, Greenbrier county, two shares;
Robert C. Burdett, Greenbrier county, one share;
John H. Crawford, Greenbrier county, two shares;
Joseph Dickson, Monroe county, one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixth day of October, eighteen hundred and seventy-one.

(Signed,)	ROBERT A. PATTON,
"	JAMES M. NICKELL,
"	JOHN W. JACKSON,
"	C. W. HUTCHESON,
"	B. VANSTAVERN,
"	T. F. NICKELL,
"	NEWTON DICKSON,
"	JOHN C. BURDETT,
"	ROBERT C. BURDETT,
"	JNO. H. CRAWFORD,
"	JOSEPH DICKSON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the Great Seal of the said State, at the city of Charleston, this sixteenth day of October, eighteen hundred and seventy-one.

{
G. S.
}

(Signed,) JOHN M. PHELPS,
Secretary of State.

GERMAN BUILDING AND LOAN ASSOCIATION.

I, J. M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following: The undersigned agree to become a corporation by the name of "German Building and Loan Association" for the purpose of raising money to be loaned among its members, for use in buying lots and houses, or in building or repairing houses,—which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, State of West Virginia, and is to expire on the first day of January, 1881. And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time, to one hundred thousand dollars in all. The capital so sub-

scribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows : that is to say,

By Sam. Strauss, Charleston, one share ;

By C. A. Brockmeyer, Charleston, one share ;

By D. Mayer, Charleston, one share ;

By W. Gramm, Charleston, one share ;

By Simon Burke, Charleston, one share ;

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this 26th day of December, 1871.

(Signed)

S. STRAUSS,
C. A. BROCKMEYER,
D. MAYER,
Wm. GRAMM,
SIMON BURKE.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and 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 Charleston, this twenty-seventh day of December, eighteen hundred and seventy-one.

G. S.

(Signed)

J. M. PHELPS,
Secretary of State.

CHARLESTON SCIENTIFIC ASSOCIATION.

I, J. M. Phelps, Secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

The undersigned agree to become a corporation by the name of "Charleston Scientific Association," for the purpose of improving their knowledge by mutual research in the various departments of science and learning—which corporation shall keep its principle office or place of business at Charleston, in the county of Kanawha, and is to expire on the 10th day of September, 1881 ; and for the purpose of forming the said corporation they have subscribed the sum of one hundred and twenty (\$120) dollars to the capital thereof, and have paid in on said subscription the sum of twelve (\$12) dollars, and desire the

privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred (\$200) 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 A. J. Vosburgh, one share;
 By J. E. Kenna, one share;
 By J. D. Baines, one share;
 By E. S. Gans, one share;
 By Wm. S. Summers, one share;
 By Chas. Ward, one share;
 By B. Roemer, one share;
 By J. Tate Ewing, one share;
 By W. P. Ewing, one share;
 By J. W. Gentry, one share;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 10th day of September, 1871.

(Signed)

J. E. KENNA,
 B. ROEMER,
 W. P. EWING,
 A. J. VOSBURGH,
 J. TATE EWING,
 WM. S. SUMMERS,
 J. D. BAINES,
 E. S. GANS,
 CHAS. WARD,
 JOHN W. GENTRY.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the tenth day of September, 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 Charleston, this twenty-eighth day of December, eighteen hundred and seventy-one.

G. S.

(Signed.) J. M. PHELPS,
 Secretary of State.

“THE SPENCER MASONIC BUILDING ASSOCIATION.”

I, John M. Phelps, 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 Spencer Masonic Building Association," for the purpose of purchasing a town lot in the town of Spencer, and erecting thereon a building, the upper story of which shall be used as a lodge room, the lower story for such purposes as the association may order, and such other buildings as the association may deem expedient, which corporation shall keep its principal office or place of business at Spencer in the county of Roane, and is to expire on the 10th day of January, 1892.

And for the purpose of forming the said corporation, we have subscribed the sum of three hundred and twenty-five dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and twenty-five 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 twenty-five dollars each, which are held by the undersigned respectively as follows : that is to say,

J. B. Wolf, residence Roane county, four shares ;

Wm. Woodyard, residence Spencer, two shares ;

J. G. Schelling, residence Spencer, two shares ;

Jno. E. Goodwin, residence Spencer, two shares ;

A. G. Bailey, residence Spencer, one share ;

S. G. McColloch, residence Spencer, one share ;

John B. Thompson, residence Spencer, one share ;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 10th day of January, 1872.

(Signed)

S. G. MCCOLLOCH,

A. G. BAILEY,

J. B. WOLF,

WM. WOODYARD,

J. E. GOODWIN,

J. G. SCHILLING,

JOHN B. THOMPSON.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the tenth day of January, eighteen hundred and ninety-two, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this twenty-fourth day of January, eighteen hundred and seventy-two.

G. S.

(Signed.) J. M. PHELPS,
Secretary of State.

NEW CASTLE COAL AND SALT COMPANY.

I, J. M. Phelps, 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 "New Castle Coal and Salt Company," for the purpose of mining, selling and shipping of coal, and manufacturing shipping and selling salt, also general merchandising and to transact any and all other business necessarily connected therewith, or calculated to facilitate the same, which corporation shall keep its principal office or place of business at New Castle in the county of Mason State of West Virginia, and is to expire on the first (1st) day of January, in the year eighteen hundred and ninety-two (1892.)

And for the purpose of forming the said corporation, we have subscribed the sum of thirty thousand dollars (\$30,000,) to the capital stock thereof, which amount has been paid in, and desire the privilege of increasing the said capital by sales of additional shares from time to time to two hundred thousand dollars (\$200,000) in all, the capital so subscribed is divided into shares of one hundred dollars (\$100) each, which are held by the undersigned respectively as follows: That is to say, by

Silas A. Burnap, of New Castle West Virginia, ninety-nine (99) shares.

Samuel A. M. Moore, of Pomeroy Ohio, ninety-nine (99) shares.

Hiram B. Smith, of Pomeroy Ohio, one hundred (100) shares.

James W. McMann, of Pomeroy Ohio, one (1) share.

Silas C. Brown, of New Castle West Virginia, one (1) share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 18th day of January A. D., 1872.

(Signed.)

SILAS A. BURNAP, [SEAL.]
SAMUEL A. M. MOORE, [SEAL.]
HIRAM B. SMITH, [SEAL.]
JAMES W. MCMANN, [SEAL.]
SILAS A. BROWN, [SEAL.]

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, eighteen hundred and ninety-two a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said State, at the city of Charleston, this twenty-fourth day of January, eighteen hundred and seventy-two.

G. S.

[Signed,]

J. M. PHELPS,
Secretary of State.

THE WESTON BUILDING ASSOCIATION AND SAVINGS INSTITUTION.

I, John M. Phelps, 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 Weston Building Association and Savings Institution," for the purpose of raising money to be loaned to the members thereof, or to others, for use in buying lots or houses, or building or repairing houses, or for other purposes; for the purpose of using the money so raised in laying out towns and villages, and purchasing real estate, and holding and disposing of the same for profit, and for the further purpose of discounting paper, and purchasing the same, and investing in any other desirable personal securities, and receiving deposits, and for the transaction of any other legitimate business, which corporation shall keep the principal office or place of business at Weston, in the county of Lewis, and is to expire on the 1st day of January, 1892. And, for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscriptions, the sum of fifty dollars; and desire the privilege of increasing the said capital, by sales of additional shares from time to time to one hundred thousand dollars in all. The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively, as follows, that is to say:

By Er. Ralston, Weston, West Va., one share.

By W. G. Bennett, Weston, West Va., one share.

By T. B. Edmiston, Weston, West Va., one share.

By Geo. A. Jackson, Weston, West Va., one share.

By Porter Johnson, Weston, West Va., one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this 22nd day of January, 1872.

(Signed,)

ER. RALSTON,	[SEAL.]
T. B. EDMISTON,	[SEAL.]
W. G. BENNETT,	[SEAL.]
G. A. JACKSON,	[SEAL.]
PORTER JOHNSON.	[SEAL.]

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be from this date until the first day of January, eighteen hundred and ninety-two, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at the city of Charleston, this 1st day of February, eighteen hundred and seventy-two.

G. S.

(Signed.) JOHN M. PHELPS,
Secretary of State.

VALLEY FIRE INSURANCE COMPANY.

At a meeting of the stockholders of the "Valley Fire Insurance Company," W. Va., held on the 3d day of April, 1871, a majority of the stock being represented it was resolved:

That the business of said corporation be, and the same is hereby discontinued; and that the board of directors of said corporation be authorized to wind up its affairs as promptly as practicable, and after making proper provision for the outstanding liabilities of said corporation, do make distribution of its effects among said stockholders.

(Signed)

JOHN W. GRANTHAM, President.	[SEAL.]
GEORGE A. PORTERFIELD, Secretary.	[SEAL.]

KANAWHA CHEMICAL AND GLASS COMPANY.

Resolved, that the Kanawha Chemical and Glass Company, be dissolved and the business of the said corporation be discontinued, and that the property and effects real and personal of said corporation, be sold and converted into money; and after the payment of all debts, the surplus of the proceeds shall be equitably divided among the stock-

Corporations.

holders, and that the present board of directors do proceed as soon as practicable to carry this resolution into effect.

I hereby certify that the foregoing is a true copy of a resolution adopted at a general meeting of the stockholders of the Kanawha Chemical and Glass Company, held at the store house of Jacob Goshorn, in the city of Charleston, on the 3d day of May, 1871.

Witness my hand and the seal of the corporation, this 3d day of May, 1871.

(Signed)

JACOB GOSHORN,
President. [S K C & G CO.]

OHIO RIVER AND WAYNE COUNTY MINERAL AND RAILWAY COMPANY.

I, John M. Phelps, Secretary of the State of West Virginia, hereby certify that the president of the "Ohio River and Wayne County Mineral and Railway Company" under his signature and the common seal of the corporation, has certified to me, that at a meeting of the stockholders of said corporation, held July the 21st, 1871, the following resolution was adopted, viz:

Resolved, That the name of this company be changed from the present name to the "Ceredo Mineral and Railway Company," and that the president see that proper steps be taken to make such change."

Now therefore, I by virtue of the statute in such case made and provided, hereby certify and declare that the said corporation is hereafter to be known as the "Ceredo Mineral and Railway Company."

Given under my hand and the Great Seal of the said State, at the city of Charleston, this first day of September, eighteen hundred and seventy-one.

G. S.

(Signed)

JOHN M. PHELPS,
Secretary of State.

LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, during the year 1871, and a part of the year 1872, with the residence and date of appointment of each Commissioner; also the date when evidence of their qualification was filed. The term of office of Commissioners is two years.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
Illinois.....	Henry A. Gardner, Jr.....	Chicago.....	January 30, 1871	April 21, 1871
Ohio.....	Thomas Dugan.....	Portsmouth.....	February 7, 1871	February 15, 1871
Pennsylvania.....	Samuel B. Huey.....	Philadelphia.....	" 14, 1871	" 27, 1871
California.....	Parker Crittenden.....	San Francisco.....	March 3, 1871	April 3, 1871
New York.....	Rufus K. McHarg.....	New York City.....	" 31, 1871	" 22, 1871
California.....	William Haskins.....	Oakland City.....	April 7, 1871	May 27, 1871
Louisiana.....	Alfred Ingraham.....	New Orleans.....	" 8, 1871	" 8, 1871
New York.....	Horace Andrews.....	New York City.....	" 11, 1871	" 4, 1871
New York.....	W. E. Osburn.....	Brooklyn.....	" 10, 1871	" 4, 1871
Maryland.....	Herman L. Emmons.....	Baltimore.....	" 27, 1871	June 9, 1871
Maryland.....	William B. Hill.....	Baltimore.....	" 29, 1871	" 3, 1871
New York.....	Charles W. Anderson.....	New York City.....	May 16, 1871	" 16, 1871
Ohio.....	Victor Abraham.....	Cincinnati.....	June 23, 1871	July 13, 1871
Ohio.....	Howard Douglas.....	Cincinnati.....	May 18, 1871
New York.....	Alexander Ostrand.....	New York City.....	June 23, 1871	July 7, 1871
Maryland.....	Henry R. Dulaney.....	Baltimore.....	July 11, 1871	October 10, 1871
Dist. of Columbia.....	Jas. T. K. Plant.....	Washington City.....	August 4, 1871	August 24, 1871
New York.....	William T. Sett.....	New York City.....	" 7, 1871	" 29, 1871
Pennsylvania.....	William F. Robb.....	Pittsburgh.....	" 7, 1871	" 29, 1871
New York.....	J. B. Nones.....	New York City.....	" 12, 1871	September 26, 1871
Dist. of Columbia.....	Samuel C. Mills.....	Washington City.....	September 10, 1871	December 7, 1871
New York.....	Samuel Alder.....	New York City.....	October 27, 1871	" 2, 1871
New York.....	J. Du Bois.....	New York City.....	" 27, 1871
Maryland.....	A. Hunter Lloyd.....	Cumberland.....	" 27, 1871	December 16, 1871
Massachusetts.....	James B. Bell.....	Boston.....	" 30, 1871	November 23, 1871

Commissioners.

LIST OF COMMISSIONERS—CONTINUED

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
Illinois.....	Phillip A. Hoyne.....	Chicago.....	October 30, 1871	November 24, 1871
New York.....	J. Spencer Smith.....	New York City...	November 3, 1871	February 1, 1872
Ohio.....	Wylie H. Oldham.....	Mariotta.....	November 25, 1871	December 13, 1871
Illinois.....	Simoon W. King.....	Chicago.....	December 16, 1871	" 30, 1871
Pennsylvania.....	Henry Phillips, Jr.....	Philadelphia.....	" 29, 1871	January 25, 1872
New York.....	Charles H. Smith, Jr.....	New York City...	January 2, 1872
Michigan.....	William J. Watterman...	Detroit.....	" 2, 1872

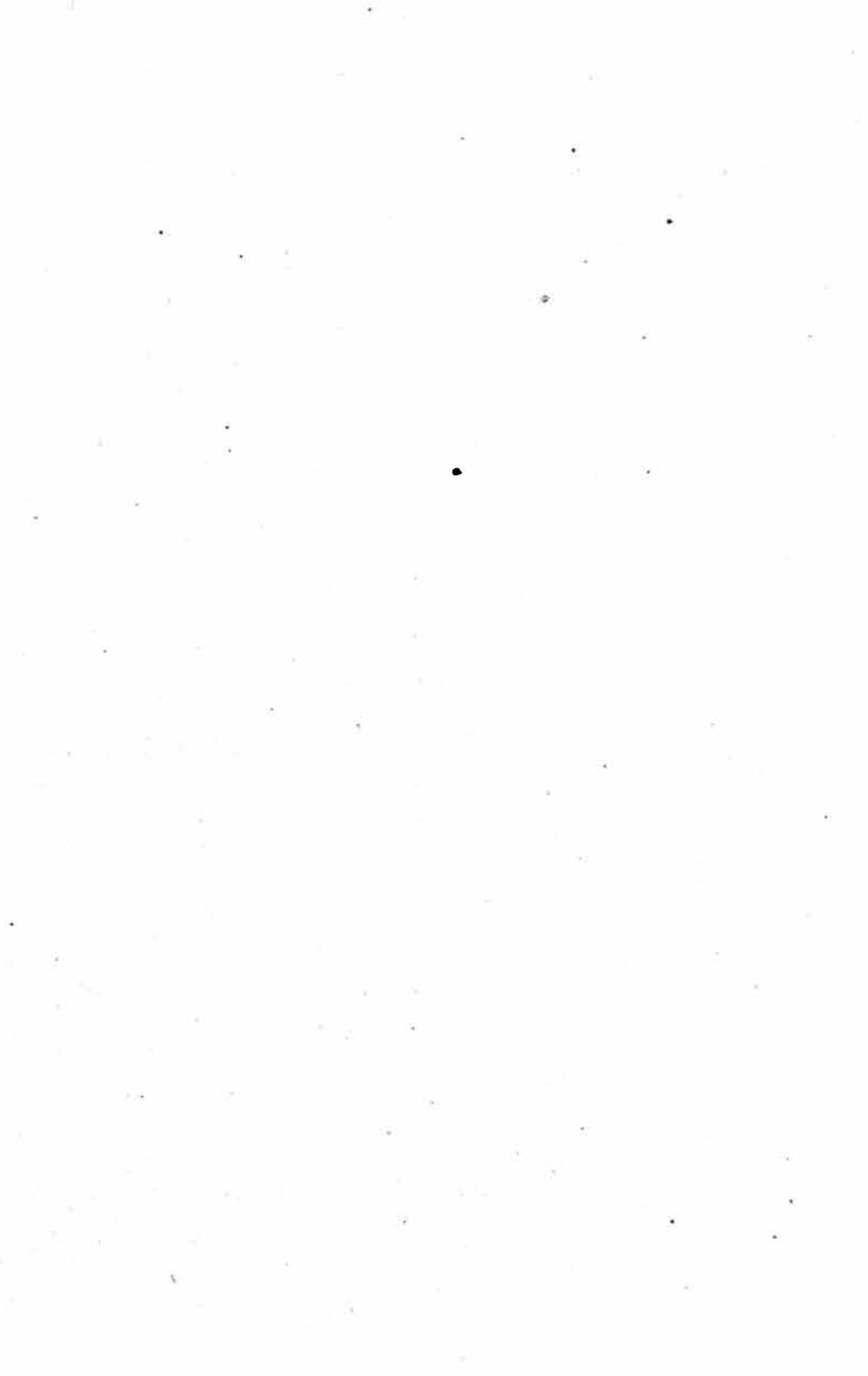
I certify that the above is a correct list of the Commissioners appointed by the Governor, not previously reported.

JOHN M. PHELPS,
Secretary of the State.

TIMES OF HOLDING EACH OF THE TERMS

OF THE

DIFFERENT CIRCUIT COURTS.



TERMS OF CIRCUIT COURTS.

FIRST JUDICIAL CIRCUIT—THAYER MELVIN, JUDGE.

Counties.	Commencement of Terms.
Ohio.....	First Monday in March and the third Monday of May and October.
Hancock.....	Second Mondays of April and September, and fourth Monday of November.
Brooks.....	Third Mondays of April and September, and first Monday of December.
Marshall.....	First Mondays of May and October, and second Wednesday of December.

SECOND JUDICIAL CIRCUIT—CHAPMAN J. STEWART, JUDGE.

Counties.	Commencement of terms.
Wetzel.....	Fifteenth day of March, July and November.
Tyler.....	Twelfth day of April, August and December.
Doddridge.....	Twenty-sixth day of April, August and December.
Ritchie.....	Fifteenth Day of April, August and December.

THIRD JUDICIAL CIRCUIT—JOHN A. DILLE, JUDGE.

Counties.	Commencement of terms.
Monongalia.....	First Tuesday of March, September and December.
Taylor.....	Fourth Tuesday of March and September, and third Tuesday of December.
Preston.....	Third Tuesday of . April, August and November.
Tucker.....	Second Tuesday of April, August and November.

FOURTH JUDICIAL CIRCUIT—THOMAS W. HARRISON, JUDGE.

Counties.	Commencement of terms.
Marion.....	Third Tuesday in March and June, and 1st day of December.
Harrison.....	Fourth Tuesday in February and May, and 1st Tuesday in October.
Barbour.....	Second Tuesday in April, 1st day August and 15th day of October
Randolph.....	Fourth Tuesday in April, 15th day of August, and 5th day of November.

FIFTH JUDICIAL CIRCUIT—JOSEPH T. HOKE, JUDGE.

Counties.	Commencement of Terms.
Mineral.....	Twentieth day of March, August and October.
Hardy.....	First day of April, September and November.
Grant.....	Twenty-fifth day of April, and twentieth day of September and November.
Pendleton.....	Tenth day of April, September and November.

SIXTH JUDICIAL CIRCUIT—E. B. HALL, JUDGE.

Counties.	Commencement of Terms.
Jefferson.....	Second Tuesday in April, September and November.
Berkeley.....	Fourth Tuesday in March, August and October.
Morgan.....	Third Tuesday in March, August and October.
Hampshire.....	First Tuesday in March, August and October.

SEVENTH JUDICIAL CIRCUIT—J. M. McWHORTER, JUDGE.

Counties.	Commencement of Terms.
Monroe.....	Eighteenth of March, June and October.
Greenbrier.....	Fourth of April, first of October and twenty-fifth of November.
Pocahontas.....	Eighth of March, June and September.
Nicholas.....	Fourth of May, July and November.
Summers County.....	Twenty-ninth day of April, first day of July and twenty-fifth of September.

EIGHTH JUDICIAL CIRCUIT—ROBERT IRVINE, JUDGE.

Counties.	Commencement of Terms.
Lewis.....	First day of March and May, and third day of November.
Braxton	First day of April, June and September.
Clay	Thirteenth day of April and June, and fifteenth day of September.
Upshur	Seventeenth day of March, May and October.
Webster.....	Twenty-second day of April and June, and twenty-fourth day of September.

NINTH JUDICIAL CIRCUIT—GEORGE LOOMIS, JUDGE.

Counties.	Commencement of Terms.
Wood	First Monday in April, September and December.
Wirt.....	Second Monday in March, third Monday in August, and third Monday in November.
Pleasants	Third Monday in March and second Monday in August and November.

TENTH JUDICIAL CIRCUIT—ROBERT S. BROWN, JUDGE.

Counties.	Commencement of Terms.
Jackson.....	First day of March, August and November.
Roane	First day of April and tenth day of August and November.
Calhoun.....	Fifteenth day of April, and 20th day of August and November.
Gilmer.....	Eighth day of April, and 18th of August and November.

ELEVENTH JUDICIAL CIRCUIT—JAMES W. HOGG, JUDGE.

Counties.	Commencement of Terms.
Kanawha.....	Twentieth day of March, June and October.
Mason.....	Twentieth day of February and May, and 1st day of September.
Putnam.....	Tenth day of March, June and September.

TWELFTH JUDICIAL CIRCUIT—C. W. SMITH, JUDGE.

Counties.	Commencement of Terms.
Cabell.....	Tenth day of June, first day of December and tenth day of December.
Wayne.....	Eleventh day of March, first day of June and the tenth day of October.
Lincoln.....	Fourteenth day of May, 1st day of October and 15th day of October.
Logan.....	First day of May, 1st day of September and 5th day of September.
Doone.....	Sixth day of May, 8th day of September and 12th day of September.

THIRTEENTH JUDICIAL CIRCUIT—HENRY L. GILLESPIE, JUDGE.

Counties.	Commencement of Terms.
Fayette.....	Twentieth day of May and August, and 15th day of November.
Raleigh.....	Twentieth day of April, July and October.
Mercer.....	Eighth day of March, June and September.
McDowell.....	Second day of April, July and October.
Wyoming.....	Twenty-fifth day of March, June and September.





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