

ACTS

OF THE

LEGISLATURE OF WEST VIRGINIA

AT ITS

FOURTEENTH SESSION.

Commencing January 8th, 1879.



WHEELING :
W. J. JOHNSTON, PUBLIC PRINTER.
1879.

ERRATA.

On page 30, the sections numbered "15, 16, 17," should be numbered "14, 15, 16."

On page 66, under sub-heading "Civil Suits," for "Commissioners," read "Commissions."

On page 87, section 7, for "Summoned to attend to any term," read "Summoned to attend any term."

On page 112, last line on page, for "enter," read "entry."

ACTS OF 1879.

CHAPTER I.

AN ACT changing the times of holding the circuit courts in the eighth judicial circuit.

[Passed January 16, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the times for the commencement of the terms of the circuit courts in the several counties composing the eighth judicial circuit, shall hereafter be as follows in each year: For the county of Nicholas on the first day of March and the first day of August; for the county of Clay, on the tenth day of March and the tenth day of August; for the county of Braxton, on the seventeenth day of March and the seventeenth day of August; for the county of Fayette, on the first day of April and the first day of September; for the county of Summers, on the fifteenth day of April and the fifteen day of September; for the county of Pocahontas, on the twenty-ninth day of April and the twenty-ninth day of September; for the county of Monroe on the twelfth day of May and on the twelfth day of October; and for the county of Greenbrier, on the twenty-sixth day of May and on the twenty-sixth day of October.

Eighth judicial circuit.
Times for the circuit courts in.
Nicholas county
Clay county.
Braxton county
Fayette county.
Summers county.
Pocahontas county.
Monroe county.
Greenbrier county.

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 All acts or parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

[Approved January 21, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER II.

AN ACT changing the time for holding the county courts of Jackson county.

[Passed January 18, 1879.]

Be it enacted by the Legislature of West Virginia :

County court for Jackson county; when held. 1. That the county court of the county of Jackson shall be held on the second Monday in February, April, June, August, October and December.

Inconsistent acts repealed. 2.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

[Approved January 24, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

Commencement. The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER III.

AN ACT changing and fixing the time for holding the circuit courts in the sixth judicial circuit.

[Passed January 20, 1879.]

Be it enacted by the Legislature of West Virginia :

Sixth judicial circuit. Times for the circuit courts in Lewis county. 1. That the circuit courts for the several counties of the sixth judicial circuit shall hereafter commence and be held as follows :

Gilmer county. For the county of Lewis, on the twentieth day of February and twentieth day of August ;

Upshur county. For the county of Gilmer, on the eleventh day of March and the twentieth day of September ;

Preston county. For the county of Upshur, on the twenty-second day of March and the fifth day of December ;

Tucker county. For the county of Preston, on the third day of April and the third day of October ;

For the county of Tucker, on the twenty-first day of April and the twenty-first day of October ;

For the county of Barbour, on the second day of May Barbour county.
and the second day of November ;

For the county of Randolph, on the twenty-third day Randolph county.
of May and twenty third day of November ; and

For the county of Webster, on the tenth day of June Webster county
and the sixth day of September.

2. That the act approved December twentieth, one thousand eight hundred and seventy-three, entitled "An act prescribing the time of holding the circuit courts in Act repealed.
the Sixth Judicial Circuit," be and is hereby repealed.

[Approved January 29, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER IV.

AN ACT to amend and re-enact section two of chapter ninety-seven, of the Acts of one thousand eight hundred seventy-two and three, entitled "An act in relation to Capon springs and Watsonstown in the county of Hampshire."

[Passed January 21, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section two of chapter ninety-seven of the Acts of one thousand eight hundred and seventy-two and three, Section 2 chap-
ter 97 acts 1872-3
amended.
be and the same is hereby amended and re-enacted so as to read as follows :

"2. That in case of death, resignation, or removal of any of said trustee, vacancies shall be filled by the surviving or remaining trustees, until otherwise provided by law. Vacancies, how
filled."

[Approved January 29, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER V.

AN ACT to amend and re-enact section seven of chapter one hundred and thirty-one of the Acts of one thousand

eight hundred and sixty-six, entitled "An act to incorporate the Covington and Ohio railroad company, passed March first, one thousand eight hundred and sixty-six."

[Passed January 31, 1879.]

Be it enacted by the Legislature of West Virginia :

Section 7 chapter 131 acts 1866 amended.

1. That section seven of chapter one hundred and thirty-one, of the Acts of one thousand eight hundred and sixty-six, entitled "An act to incorporate the Covington and Ohio railroad company, be and the same is hereby amended and re-enacted so as to read as follows :

Rate of charges for passengers and freight not to exceed other railroads. No discrimination against connecting railroads or canals.

"7. The rate of charges by said company for passengers and freight transported on the main line and branches of said railroad shall never exceed the highest allowed by law to other railroads in the state, and no discrimination shall be made in such charges against any connecting railroad or canal company chartered by the state."

[Approved January 31, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER VI.

AN ACT to amend and re-enact an act passed February twenty-eighth, one thousand eight hundred and seventy-seven, entitled "An act to amend and re-enact the sixty-seventh section of the act approved December twentieth, one thousand eight hundred and seventy-five, entitled 'An act to amend and re-enact the twenty-ninth chapter of the Code, concerning the assessment of taxes.'"

[Passed February 4, 1879.]

Be it enacted by the Legislature of West Virginia :

Chapter 105 acts 1875 amended.

1. That chapter one hundred and nine of the Acts of the Legislature of West Virginia of one thousand eight hundred and seventy-seven be amended and re-enacted so as to read as follows :

“67. The president, secretary, or principal accounting officer of every railroad company, whether deriving its corporate powers exclusively from the state or not, shall list for taxation, at its true value in money, verified by the oath or affirmation of the officers so listing, all the property, money, credits and investments of such company, of whatsoever kind wholly held or used in this state, and also the proportional value of all locomotives and rolling stock passed in and out of this state on railroads crossing the lines thereof, to be ascertained by the proportion which the number of miles run within this state by such locomotives and other rolling stock may bear to the whole number of miles run by such locomotives and other rolling stock over the road belonging to such company or any connecting lines; the proportional value of all such locomotives and other rolling stock so ascertained to be assessed as the property of the company owning and using the same, whether it be run upon its own or any other railroad within this state. The proportional value of all locomotives and other rolling stock, and the value of all other personal and movable property, money, credits and investments, shall be added to the stationary and fixed property and real estate, and shall be apportioned by such officer to each county through which the road passes in proportion to the fixed property and real estate belonging to the company in such county; and all the property so listed shall be subject to and pay the same taxes as other property listed in such county. *Provided*, That the road-bed, bridges, tunnels, depots, stations, machine shops, machinery, freight houses, stock yards, rolling stock and all other necessary appendages and structures connected and used therewith, together with all the real estate which the company is allowed by law to hold, shall be listed as aforesaid, or assessed by the board of commissioners as hereinafter provided, at their actual value in money, without reference to the amount expended in the construction or purchase thereof. Said officer shall, on or before the first day of February in each year, make out and file with the auditor such list and *pro rata* valuation of the real and personal property, and money, credits and investments of such company, verified as aforesaid. The auditor shall lay said list and valuation before the board of public works as soon as possible after the filing thereof, and if the same be deemed satisfactory, the said board shall direct the auditor to assess the property of such company for state and general free school and county purposes and for free school purposes in each county, district and independent school district through which said railroad runs, as hereinafter provided, upon the valuation of its property as contained in said list, and the auditor shall assess the same accordingly; but if the said list and valuation be not satisfactory to the board, or if such railroad company fail to file the list and valuation herein required, the said

Railroad companies; how assessed for taxation.

Proportionate value of rolling stock, &c., added to fixed property and apportioned among the counties.

Subject to same taxes as other property.

Provide as to road bed, tunnels, bridges, &c.

List, etc.; when and with whom filed.

Duty of auditor in relation to list and valuation furnished.

If satisfactory, auditor assesses property; if not satisfactory, board to appoint commissioners to assess.

One commissioner from each congressional district, but no commissioner to be appointed who resides in a county through which a railroad runs.

board shall, as soon as possible after the said first day of February, appoint a board of commissioners, consisting of one discreet and intelligent freeholder from each congressional district of the state, to assess the property of said company as hereinafter required; but no person shall be appointed as such commissioner who resides in a county through which a railroad runs.

Duty of such commissioners. It shall be the duty of the said commissioners, as soon as they are informed of their appointment, to convene at some convenient point on the line of railroads to be assessed, and to examine, as far as practicable, all the taxable property of such railroad company hereinbefore mentioned within each of the counties of this state, and to assess the fair value thereof in money for the purpose of taxation, upon the principles hereinbefore stated. If a statement of the property of such company has been filed as herein required a copy thereof shall be delivered to said commissioners by the auditor to enable them to discharge their duties; but if no such statement has been filed, the said commissioners shall assess the value of such property within such county of this state upon the principles aforesaid, from the best information they can obtain. The assessment so made by the said commissioners shall be returned by them to the auditor on or before the first day of July succeeding their appointment, and their decision shall be final. In case list and valuation of the property filed with the auditor as aforesaid be satisfactory to the board of public works, and in cases where an assessment of the property of such company is made and returned by the board of commissioners as aforesaid, the auditor shall immediately certify to the county court of each county or other tribunal in lieu thereof for police and fiscal affairs, through which such railroad runs, the value of the property therein of every such company, as valued or assessed as aforesaid, and it shall be the duty of such court to apportion such value between the several districts and independent school districts in their county through which such road runs, as near as may be, according to the value thereof in each of said districts. It shall be the duty of the clerk of the county court of every county, or the clerk of any tribunal established for police and fiscal affairs in lieu thereof, through which such railroad runs, within ten days after the county levy of such county is laid, to certify to the auditor, the apportionment made by the county court or tribunal created in lieu thereof as aforesaid, the amount levied upon each one hundred dollars value of the property therein for county purposes. It shall also be the duty of the secretary of the board of education of every such district, county, and independent school district within thirty days after a levy is laid therein for free school purposes, to certify to the auditor the amount levied for such purpose upon each one hundred dollars value of the property therein, and any officer violating the provis-

Statement to be furnished commissioners.

Assessment made by commissioners to be returned to auditor.

Decision final.

Duty of auditor to certify to county court assessment of property.

Duty of court to apportion valuation between districts.

Clerk county court to certify to auditor amount of county levy, etc.

Secretary of board of education to certify to auditor the levy for free school purposes, etc.

Within thirty days.

ions of this section shall be deemed guilty of a misdemeanor and fined not less than one hundred, nor more than five hundred dollars. And in case of the failure of the secretary of the board of education in any district, and the clerk of the county court or tribunal created in lieu thereof to return to the auditor, on or before the first day of December in each and every year, such certificate as to the levy aforesaid, then the auditor may obtain the rate of taxation for county and district purposes from the copies of the assessor's books on file in his office. And it shall be the duty of the auditor to charge every railroad company assessed under the provisions of this section, in a book to be kept by him for that purpose. as follows :

Penalty for failure to certify.

Auditor may obtain rate of taxation for county and district purposes from assessor's books in his office.

Taxes to be charged by auditor; for what purposes and how.

1st. With the whole amount of taxes upon its property, in each year. for state and general free school purposes.

2d. With amount payable to each county through which such road runs for county purposes aforesaid.

3d. With the amount payable to each district and independent school district through which such road runs, for free school purposes.

The auditor shall, on or before the tenth day of December in each year, make out and transmit, by mail or otherwise, a statement of all taxes and levies so charged to the president, secretary or principal accounting officer of such company. And in case any railroad company is aggrieved by the assessment of its property, or any error shall appear to have been made in making the assessment, the company may file its petition before the board of public works, at any time before the tenth day of January, asking for a correction of the same; and the said board shall have power to correct errors in the valuation of the property of any such company. In case it be claimed by the company that any error has been made, either by the clerk of the county court or the secretaries of the boards of education, in certifying the rate of their levies or the apportionments of the value of the property to the districts, the auditor may, if it be shown by a corrected certificate of the clerk of the county court, or of the secretary of the board of education, as the case may be, or certified order of the county court making a correct apportionment, that error has been committed, correct the said error. *Provided*, The application be made for such correction at any time before January tenth. in each year. And it shall be the duty of such company so assessed and charged, to pay the whole amount of such taxes and levies upon its property into the treasury of the state. by the twentieth day of January next after the assessment thereof, subject to a deduction of two and a half *per centum* upon the whole sum, if the same be paid on or before that day. If any such company fail to pay such taxes and levies by the said twentieth day of January, the auditor shall add ten *per centum* to the amount thereof, to pay the expenses of collecting the same, and shall certify to the sheriff of each

When auditor to transmit statement of taxes charged.

To whom transmitted. Company aggrieved may file petition for correction with board of public works.

Power of board of public works to correct errors.

Auditor may correct error in certain cases.

Time within which application for correction must be made.

When taxes to be paid. Deduction : when made.

When penalty to be added.

When auditor to certify unpaid taxes to sheriff. Duty of sheriff county the amount of such taxes and levies assessed within his county; and it shall be the duty of every such sheriff to collect and account for such taxes and levies in the same manner as other taxes and levies are collected and accounted for by him. And when the district and independent school district taxes and levies are collected by him, he shall immediately pay the same to the treasurer of the proper district. *Provided*, The authorities of any county shall not be allowed to compromise or remit any portion of said taxes so certified to the sheriff. When such taxes and levies are paid into the treasury as herein provided, the auditor shall account to the sheriff of each of the counties to which any sum so paid in for county levies belongs, for the amount due such county, and may arrange the same with such sheriff in his settlement for the state taxes in such a way as may be most convenient; and the sheriff shall account to the county court of his county, or any tribunal established for police and fiscal affairs in lieu thereof, for the amount so received by him, in the same manner as for other county levies. The amount so paid in for each district and independent school district shall be added to the distributable share of the school fund payable to such district, and paid upon the requisition of the county superintendent of free schools, in like manner as other school moneys are paid. The auditor shall certify to the county court, or any tribunal established for police and fiscal affairs in lieu thereof, of every such county, on or before the first day of February in each year, the amount with which the sheriff thereof is chargeable on account of the levy upon the property of such company. He shall also certify to the county superintendent of free schools, the amount of such levies due to each district and independent school district in his county. But the failure of the clerks of the county courts or tribunals established in lieu thereof, or the secretaries of the boards of education, to certify to the auditor the levies, or apportionment, within the time herein required, shall not invalidate or prevent the assessment required by this section; but the auditor shall make the assessment and proceed to collect or certify the same to the sheriff as soon as practicable after he shall obtain the information necessary to make such assessment. The right of the state or any county or district to enforce by suit or otherwise, the collection of taxes or levies heretofore assessed, or the right to which has heretofore accrued, shall not in any manner be effected or impaired by anything in this chapter contained. The taxes and levies so assessed upon the said property of any such railroad company for any year, shall, when paid, be in full of all taxes and levies of every sort and description which might be assessed upon its property for such years, if this section had not been passed; and no other assessment shall be made in any year upon the property of such company than is heretofore provided for in this section, except that

District taxes and levies; how accounted for.

Compromise of taxes by county prohibited.

When taxes paid into the state treasury settlement to be made by auditor with sheriff.

Sheriff to account to county court for amount received.

Amount paid for school purposes how disposed of and paid.

Auditor to certify to county court amount so chargeable; when.

Also to county superintendents amount levy due each district.

Failure of clerk of county court or secretary of board of education to certify not to invalidate assessment.

Right of state to enforce by suit collection of taxes heretofore assessed not impaired.

Taxes so assessed, when paid to be in full satisfaction.

No other assessment to be made.

all buildings and real estate owned by such company and used or occupied for any purpose not immediately connected with its railroad, or which is rented for any purpose to individuals, shall be assessed with and taxes shall be paid thereon the same as other property of the like kind belonging to an individual. Each of the said commissioners shall be paid out of the treasury of the state three dollars per day for each day he shall be actually and necessarily employed in the discharge of his duties under this section, and five cents per mile for each mile necessarily traveled by him in going to and returning in the discharge of his duties.

Exception as to certain buildings.

Compensation of commissioners; how paid.

Vacancies in the board of commissioners shall be filled and new boards may be appointed from time to time by the board of public works, when necessary to carry into effect the provisions of this section.

Vacancies in board of commissioners; how filled.

[Approved February 6, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER VII.

“AN ACT to amend and re-enact the twelfth section of chapter one hundred and ninety-four, of the Acts of one thousand eight hundred and seventy-two and three, and to repeal an act entitled ‘An act to amend and re-enact section twelve of the act approved December twenty-second, one thousand eight hundred and seventy-three, entitled an act to provide for opening and keeping in repair the county roads,’ ” approved March first, one thousand eight hundred and seventy-seven.

[Passed February 15, 1879.]

Be it enacted by the Logislature of West Virginia :

1. That section twelve of the act entitled “An act to provide for opening and keeping in repair the county roads,” approved December twenty-second, one thousand eight hundred and seventy-three, be amended and re-enacted so as to read as follows :

Section 12, act passed Dec. 22, 1873, amended.

“12. Every able bodied male person not under twenty-one nor over fifty years of age, residing in any road precinct

who liable to work on roads.

Notice. and is not a pauper, having had at least three days' notice
Time for work. shall between the first day of April and the first day of
November in each year, attend in person or by a sufficient
Must attend with tools. substitute, with proper tools, and work on the county
roads in such precinct under the direction of the surveyor
thereof, at such places and on such days during the said
Work two days. period as the said surveyor may appoint, at least two days
if that number be necessary. And the county court of
Duty of county court. every county in which the said two days work shall be in-
Where two days' work insufficient. sufficient to open, construct and keep in good repair the
roads and bridges thereof, shall prescribe by an order of
the court the manner in which the same shall be done after
expending thereon the two days work aforesaid, whether
entirely by a tax on property or entirely by labor or part-
ly by labor and partly by tax, and it shall prescribe, pro-
vide for and lay a sufficient amount of tax or labor or
both, as the case may be, to open, construct, and keep in
good repair the roads and bridges in their county during
each year. Every person required by the county court
under the provisions of this section to work on roads shall
perform such additional number of days work thereon as
may be required by such order."

**Act 1873 re-
pealed.**

2. The act to amend and re-enact section twelve of the act approved December twenty-second, one thousand eight hundred and seventy-three, entitled "An act to provide for opening and keeping in repair the county roads," approved March first, one thousand eight hundred and seventy-seven is hereby repealed.

[Approved February 19, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER VIII.

AN ACT to amend and re-enact sections two and three of chapter one hundred and fourteen of the Acts of one thousand eight hundred and seventy-five, entitled "An act amending certain sections of chapter forty-two of the Code of West Virginia, for taking lands for public purposes without the owner's consent."

[Passed February 17, 1870.]

Be it enacted by the Legislature of West Virginia :

Sections amended.

1. Sections two and three of an act, entitled "An act amending certain sections of chapter forty-two of the

Code of West Virginia, for taking lands for public purposes without the owner's consent, approved December twenty-ninth, one thousand eight hundred and seventy-five," is amended and re-enacted so as to read as follows :

"2. The public use for which such private property may be taken shall be for the purposes of internal improvements; for the construction of roads, canals, public streets and alleys; for incorporated companies of which the state is sole or part owner; for court houses and other public buildings, and for lands necessary for the use and enjoyment of the said public buildings, and for the use of cemetery associations and public burying grounds. *Provided*, That the land thus condemned for cemetery associations and public burying grounds does not lie within four hundred yards of any dwelling house; and for the use of companies incorporated for the purpose of transporting oil or other fluids by lines of tubing or piping or otherwise; and for telegraph or telephone companies; for school houses and all other public institutions incorporated by law. And if such private property be taken by any incorporated company other than a company incorporated for public purposes in which the state is owner of the property, the same shall not be taken or damaged until just compensation shall have been paid to the owners or secured, to be paid in such manner as the court before whom the proceedings may be had shall deem satisfactory. The compensation to the owner shall be ascertained in the mode prescribed by law, and if condemnation be for temporary purposes the damages shall in like manner be ascertained for the time desired in the same manner as for permanent purposes.

Purposes for which private property may be taken.

If taken by an incorporated company other than a company in which state is owner, Compensation must be paid or secured to be paid. Compensation how ascertained

For temporary purposes, damages for time desired.

Application for condemnation of real estate proposed to be taken; how and where made.

Where land lies partly in one county and partly in another.

Commissioners to be appointed from some other county than that in which the land to be taken is.

"3. In any case in which real estate may be lawfully taken, application by petition may be made to the circuit court or county court of the county in which such real estate is situated to appoint commissioners to ascertain a just compensation to the owner of the estate proposed to be taken, and if a tract of land lie partly in one county and partly in another, the application as aforesaid in relation thereto may be made in either county; and when land is to be taken for public buildings to be erected by the state, or to be taken for the use or necessary enjoyment of any building erected by the state for any of its institutions, the circuit court shall appoint commissioners residing in some county other than that in which the land proposed to be taken is situated; and said appointment shall be made in accordance with the provisions of this chapter."

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

Repealing section.

3. This act shall take effect from its passage.

Commencement

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER IX.

AN ACT changing and fixing the time for holding the circuit courts in the sixth judicial circuit.

[Passed February 18, 1879.]

Be it enacted by the Legislature of West Virginia:

- Sixth judicial circuit. Times for the courts in Lewis county.
- Gilmer county.
- Preston county.
- Tucker county.
- Barbour county.
- Randolph co.
- Webster county.
- Upshur county.
- Act approved Jan. 29, 1879, repealed.
- Commencement
1. That the circuit courts for the several counties of the sixth judicial circuit shall hereafter commence and be held as follows: For the county of Lewis, on the twentieth day of February and the the twentieth day of August; for the county of Gilmer, on the eleventh day of March and on the twentieth day of September; for the county of Preston, on the twenty-second day of March and the third day of October; for the county of Tucker, on the tenth day of April and the twenty-first day of October; for the county of Barbour, on the twentieth day of April, and the second day of November; for the county of Randolph, on the eleventh day of May, and on the twenty-third day of November; for the county of Webster, on the tenth day of June and the sixth day of September; and for the county of Upshur, on the twenty-fifth day of May and the fifth day of December.
 2. That the act approved January twenty-nine, one thousand eight hundred and seventy-nine, entitled "An act changing and fixing the time for holding the circuit courts in the sixth judicial circuit," be and the same is hereby repealed.
 3. This act shall be in force from and after its passage.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER X.

AN ACT making an appropriation for the further construction of the West Virginia Hospital for the Insane, at Weston.

[Passed February 20, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the sum of ninety-five thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the further construction of the Hospital for the Insane, at Weston, and the auditor is hereby directed to issue his warrant on the treasurer for forty-five thousand dollars in the year one thousand eight hundred and seventy-nine, and for the further sum of fifty thousand dollars in the year one thousand eight hundred and eighty, for the purposes of this act.

Amount appropriated.

For construction of Hospital for Insane. Auditor to issue warrant.

2. Should there be a deficit in the revenue, so that the appropriation herein made cannot be paid as required, it shall be lawful for the auditor to borrow of the school fund that may at the time be uninvested such sum as may be necessary to supply the deficit; and without any specific appropriation therefor, he shall pay to the school fund interest, at six per cent per annum, on any sum he may so borrow. He shall also in like manner pay out of any moneys which may not be otherwise appropriated, the whole, or from time to time any part, of the sum he may so borrow as he may deem proper and consistent with the public interest.

Auditor may borrow from school fund.

May pay interest and may pay sum borrowed without appropriation therefore.

3. The board of directors of the West Virginia Hospital for the Insane, shall, without delay, cause to be erected the north wing of said hospital according to the original design, preserving the harmony and proportions of the building in all respects, and for that purpose they shall draw up, or cause to be drawn up, plans and specifications of the work necessary to complete said wing, showing minutely and fully everything necessary to be done. They shall give notice by publication in such newspapers published in this state as they may deem proper, and in not more than three published outside of this state, that they, through their secretary, will receive sealed proposals for the construction of the wing of the hospital as aforesaid until the hour fixed for the opening of such proposals. The time of opening such proposals shall not be sooner than thirty days after the first publication of the notice aforesaid. All such proposals shall be accompanied by a good and sufficient bond and security, conditioned accord-

Duty of Board of Directors.

To draw plans and specifications.

Notice by publication in newspapers.

Proposals to be received.

Time of opening proposals.

Proposals to be accompanied by bond.

Proposals to be opened in public. Contract to be awarded to lowest bidder.

ing to law, for the faithful performance of the conditions of the contract bid for. Upon the opening of the proposals, which shall be publicly done, the board of directors shall award the contract for the construction of the building aforesaid to the lowest and best bidder.

Separate proposals for construction of stone work, carpenter work, etc.

Board may reject all proposals.

The said board of directors shall receive separate proposals for the construction of the stone work, for the carpenter work, for the brick work, for the plastering work, for the roofing work and for the glazing work, and shall award the contract or contracts so as to promote the best interests of the state; but said board of directors may reject any or all proposals, and proceed to re-let the contract as herein provided for.

[Approved February 26, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XI.

AN ACT fixing the times of holding the county court in the county of Taylor.

[Passed February 27, 1879.]

Be it enacted by the Legislature of West Virginia :

County court of Taylor county.

1. That the commencement of the terms of the county court in the county of Taylor, shall hereafter be as follows :

When held.

On the third Monday in January, March, May, July, August and November.

Trial Terms.

2. Until otherwise ordered by the said county court of Taylor county, the said January, May, July and November terms thereof for said county, shall be held for the trial of causes and for the transaction of all other business within the general jurisdiction of the court, except an assessment or levy upon the property of the county. And the said March and August terms shall be limited to matters connected with the police and fiscal affairs of the county.

Police and fiscal terms.

[Approved February 28, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XII.

AN ACT concerning liens upon real estate and personal property of corporations in favor of laborers, workmen and others in their employ.

[Passed February 28, 1879.]

Be it enacted by the Legislature of West Virginia :

1. Every workman, laborer, or other person who shall do or perform any work or labor, by virtue of any contract, for any incorporated company doing business in this state, shall have a lien for the value of such work or labor upon all the real estate and personal property of said company, and such lien shall have priority over any lien created by deed or otherwise on such real estate or personal property, subsequent to the time when the said labor was performed, but there shall be no priority of lien as between the parties claiming under the provisions of this section. *Provided*, That no lien shall be created under this act for labor performed more than nine months before such lien was recorded.

Workmen, laborers or others doing work for incorporated company shall have lien.

Lien to have priority.

Proviso.

2. Such lien shall be discharged, unless the person desiring to avail himself thereof, within thirty days from the time he ceases to work or labor for such incorporated company, shall file with the clerk of the county court of the county in which such work or labor was performed, or in which the principal office, works, real estate or personal property of such incorporated company is situated, a just and true account of the amount due him after allowing all credits; which account shall be subscribed and sworn to by the person claiming the lien, or by some one in his behalf.

To preserve lien party must file within thirty days an account of the money due him. Where filed.

What must be stated in acct. and must be verified.

3. Tho clerk of the county court, to whom such account is presented, shall record the same in the mechanic's lien record, for which service he shall receive fifty cents, to be paid by the person claiming the lien.

Clerk of county court to record account in mechanic's lien record.

4. Any person having a lien by virtue of this act, may enforce the same by filing a bill in any court having equity jurisdiction within the county where such account shall have been recorded. He shall make all other persons having like liens thereon parties; and any other person acquiring a lien by virtue of this act, before a decree shall have been pronounced in said suit, may, at his request, be made a party defendant therein, and receive his claim in the same manner as if he had been made a defendant at the commencement of the suit; and should the party bringing the suit, from any cause, fail to establish his claim, the suit, for that cause, shall not be dismissed, but it may be prosecuted by any other party thereto having such lien, in the same manner as if it had been

Lien, how enforced.

Other parties having like liens to be made parties to the suit. Others acquiring a lien may be made parties defendant.

If party bringing suit fail to establish his claim, it may be prosecuted by any other party having such lien

When lien discharged if suit not commenced.

Suit commenced by one party inures to benefit of all having liens.

If lien established, court to order sale of property.

When and how clerk to enter a discharge of such lien.

commenced by him, unless the suit to enforce such lien is instituted within six months after the person desiring to avail himself thereof shall have filed his account as hereinbefore provided, such lien shall be discharged. But a suit instituted by any such person having such lien, shall for the purpose of preserving the same, inure to the benefit of all other persons having a like lien on the property of such company.

5. If the lien is established in favor of any of the creditors whose claims are presented in such suit, the court shall order a sale of the property on which the lien is established, or so much thereof as may be sufficient to satisfy such claim or claims, in like manner as in other suits in chancery.

6. When a debt secured by such lien is fully paid at any time after such creditor shall have filed his account, as herein before provided, such creditor shall cause the clerk to enter a discharge of such lien in the margin of the book in which such account is recorded, and immediately opposite thereto, or shall execute a release thereof, which may be recorded in the book in which such account is recorded.

[Approved March 3, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XIII.

AN ACT for the payment of Samuel Bane for expenses incurred in apprehending William Leffingwell, a horse thief.

[Passed February 28, 1879.]

Be it enacted by the Legislature of West Virginia :

Appropriation to pay Samuel Bane.

For what.

1. That the sum of sixty-nine dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment in full of Samuel Bane for expenses incurred in apprehending William Leffingwell, a horse thief.

The auditor is hereby directed to draw his warrant on the treasurer for the amount hereby appropriated for said purpose.

[Approved March 3, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XIV.

AN ACT to amend and re-enact section seventy-three, of chapter one hundred and twenty-three, of the Acts of one thousand eight hundred and seventy-two and three.

[Passed February 28, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section seventy-three of chapter one hundred and twenty-three of the Acts of one thousand eight hundred and seventy-two and three, be and is hereby amended and re-enacted, so as to read as follows :

Section 73 chapter 123 acts 1872-3 amended.

"73. All such sums as have accrued, or shall hereafter accrue to this state from the several sources enumerated in the fourth section of the twelfth article of the Constitution, shall be set apart as a separate fund to be called "the school fund," and it shall be the duty of the auditor to ascertain from time to time what sums have so accrued, or may hereafter accrue, and to pass the same to the credit of said fund, and it shall be the duty of the board of the school fund from time to time to invest the same in the interest bearing securities of the United States or of this state, or otherwise as provided for in said fourth section of the twelfth article of the Constitution."

The school fund; how created and from what sources derived.

Duty of auditor as to such fund.

[Approved March 3, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XV.

AN ACT to authorize the auditor to credit accounts of G. W. Taylor, late sheriff of Logan county, with certain delinquent lists.

[Passed February 28, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the auditor be and he is hereby authorized and directed to credit the accounts of G. W. Taylor, late sheriff of Logan county,

G. W. Taylor, late sheriff Logan county,

Auditor authorized to credit the accounts of with certain delinquent lists.

of Logan county, with the delinquent lists allowed by the county clerk of said county, for the years one thousand eight hundred and seventy-four, five and six, which lists have been certified to the auditor, but have not been credited, for the reason that they were not received in the time required by law.

[Approved March 3, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XVI.

AN ACT to provide for reviews and re-hearings in the supreme court of appeals of causes decided at former terms.

[Passed March 1, 1879.]

Be it enacted by the Legislature of West Virginia :

Supreme court may review cases decided so far as to correct clerical error.

No argument to be heard unless requested by court.

1. That the supreme court of appeals may review and re-hear any cases decided by said court at the next succeeding term so far as to allow the correction of any clerical error in any decree or judgment pronounced by said court or where the court on its own motion may desire to re-hear and correct such decree or judgment. But no argument shall be heard on such motion to re-hear unless requested by said court.

[Approved March 3, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XVII.

AN ACT legalizing the qualification of certain county and district officers, elected at the last general election.

[Passed March 3, 1879.]

Be it enacted by the Legislature of West Virginia :

1. If any county or district officer elected at the last general election in this state, who is required by law to

give an official bond and qualify within a specified time before the county court of the county in which he was elected, has failed to do so, but has within said required time qualified and given said bond before the circuit court of his county, such bond and qualification are hereby legalized and made valid, and shall have the same effect and force in all respects as if the same had been given and done before the county court.

County and district officers elected at last election who failed to qualify as required by law. Qualifications of legalized.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each House, by a vote taken by yeas and nays, having so directed.

CHAPTER XVIII.

AN ACT appropriating money to reimburse S. H. Smith, sheriff of Grant county, paid by him for the capture of W. S. Douglass, convicted of felony.

[Passed March 3, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the sum of one hundred and fifty dollars is hereby appropriated out of any money in the treasury, not otherwise appropriated, for payment in full of S. H. Smith, sheriff of Grant county, as amount paid by him for the capture of W. S. Douglass, convicted of felony.

Appropriation to reimburse S. H. Smith for reward paid for capture of W. S. Douglass.

2. The auditor is hereby directed to draw his warrant on the treasurer for the amount hereby appropriated as follows:

Auditor to issue warrant.

In favor of S. H. Smith for the sum of one hundred and fifty dollars, paid by him for the capture of W. S. Douglass, convicted of felony.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XIX.

AN ACT changing the time of holding the county courts
in the county of Putnam.

[Passed March 3, 1879.]

Be it enacted by the Legislature of West Virginia :

Terms of county
court in Putnam
county. 1. That the commencement of the terms of the county
courts of the county of Putnam shall hereafter be as fol-
lows:

On the 'second Monday in January, March, June, Au-
gust, November and December.

When act to
take effect. 2. This act shall be in force and effect from and after its
passage.

Inconsistent
acts repealed. 3. All acts inconsistent with this act are hereby repealed.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-
thirds of the members elected to each house, by a vote
taken by yeas and nays, having so directed.

CHAPTER XX.

AN ACT for the relief of Burrell Wilkos.

[Passed March 3, 1879.]

Be it enacted by the Legislature of West Virginia:

Burrell Wilkos.
Farm of exclu-
ded from corpo-
rate limits of
Huntington. 1. That the farm of Burrell Wilkos on which he now
resides, be and the same is hereby excluded from the cor-
porate limits of the city of Huntington.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES]

The foregoing act takes effect at the expiration of ninety
days after its passage.

CHAPTER XXI.

AN ACT authorizing the levy of a special tax by the council of the city of Wheeling for paving and macadamizing.

[Passed March 3, 1879.]

Be it enacted by the Legislature of West Virginia :

1. The council of the city of Wheeling is hereby authorized in addition to their present authority to levy taxes, to assess, levy and collect an annual tax, for the purpose hereinafter named, on the personal property and real estate in said city subject to taxation by said city, not to exceed in any year ten cents on every hundred dollars of the assessed valuation thereof; the money so collected shall be used for the purpose of paving or macadamizing streets or alleys in said city that have not been heretofore paved, and such money shall in no case be used to pay for repairs to old paving or macadamizing or for anything except new paving or macadamizing.

Council authorized to levy special tax.

Amount limited.

For what purpose.

2. The money collected by virtue of this act shall be assessed, levied and collected in addition to the money assessed, levied and collected for other purposes by said city under present laws.

To be in addition to the money assessed, collected, &c., under present laws.

3. The funds raised by virtue hereof shall be used for no other purpose than that named in the first section, and the use of such funds for any other purpose may be restrained by injunction upon a bill filed by any one or more tax payers of said city.

For what purposes funds to be used. If used for any other purpose may be restrained by injunction.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXII.

AN ACT to punish persons found violating the license laws of the state along certain rivers.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That if any person, except druggists, be found upon or along any of the rivers constituting the boundary line

Any person, except druggists, violating sec. 1 of chapter 107 acts 1877, upon or along boundary rivers of this State, guilty of misdemeanor.

Punished by confinement in county jail. Period of confinement.

Also shall work at hard labor, with ball and chain, on public highway.

Not to apply to licensed steamboats.

of this and any other state, engaged in any violation of any of the provisions of section one of chapter one hundred and seven, Acts of one thousand eight hundred and seventy-seven, without first having obtained such license, such person shall be deemed guilty of a misdemeanor and upon conviction thereof, the court before which he is tried shall sentence him to punishment by confinement in the common jail of the county in which the offense is committed, not more than sixty days nor less than thirty days, and shall further order that he shall during said sentence work at hard labor with ball and chain to him attached, upon any public highway of the said county under the custody of the sheriff or his deputy, at and for such term not exceeding the term of his sentence, at such place or places as the court pronouncing such sentence may direct.

2. Provided that the provisions of this act shall not apply to any licensed steamboat navigating any of such rivers.

[Approved March 5, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage,

CHAPTER XXIII.

AN ACT to amend and re-enact sections eighty-one, eighty-two and eighty-three of chapter one hundred and twenty-three of the Acts of one thousand eight hundred and seventy-two and three, and also section seventy-eight of the same chapter as amended by chapter one hundred and fifteen, of the Acts of one thousand eight hundred and seventy-seven.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia :

Enacting section.

1. That sections eighty-one, eighty-two and eighty-three of chapter one hundred and twenty-three of the Acts of one thousand eight hundred and seventy-two and three, and also section seventy-eight of the same chapter, as amended by chapter one hundred and fifteen of the Acts of one thousand eight hundred seventy-seven, be amended and re-enacted so as to read as follows :

Board of regents how composed, appointed and by what name called.

"78. For the government and control of the said university there shall be a board of regents consisting of one person from each senatorial district, to be appointed by the governor as provided by law, to be called the regents of the West Virginia University. As such board they

may sue and be sued, and have a common seal. A majority of said regents shall constitute a quorum for the transaction of business, except that for making arrangements for the erection of buildings, or the permanent alteration thereof, or the appointment to or removal from office of professors, or fixing their compensation or changing any rule or regulation adopted by a majority of the board, in which cases all the regents shall be notified in writing by the secretary of the board, of the time, place and object of any meeting proposed to be held for any of the purposes excepted in this section and the concurrence of a majority of the regents shall be required. The term of office of the members of the present board of regents shall be in no wise affected by this act. On the thirtieth day of June annually two of the regents now in office shall retire from said board. Those appointed from the third and fourth senatorial districts shall retire on the thirtieth day of June one thousand eight hundred and seventy-nine; those of the fifth and sixth districts at the expiration of the following term, and so on in continuous rotation following the order in which the said senatorial districts are numbered respectively. Vacancies in said board shall be filled by the governor as they occur according to the foregoing regulations, or from any other cause.

May sue and be sued.
Quorum for transaction of business.

When regents to be notified by secretary.

Term of office of present board not affected.

When, how and what members to retire from board.

Vacancies how filled.

"81. The said board shall establish and declare such rules and regulations and by-laws not inconsistent with the laws of this state or the United States, as they may deem necessary for the proper organization, the tuition of students and good government of said university; and the protection of public property belonging thereto. They shall appoint a superintendent of buildings and grounds who shall be the professor or person in charge of the military tactics, a secretary for said board, and also a treasurer who shall be members of the faculty of the university, and who shall not receive any compensation for services as such superintendent, secretary and treasurer. No salary shall be paid to the secretary of the executive committee. From the said treasurer they shall take a bond with ample security, and conditioned according to law for the faithful keeping and disbursing of such money as is herein, or may be hereafter appropriated, and such other money as may be allowed by said board to come into his hands from time to time; they shall also settle with him annually or oftener if they think best; inspect annually all the property belonging to said university and make a full report of the condition, income, expenditures and management of said university annually to the governor to be by him laid before the Legislature.

Rules, regulations and by-laws.

Appointment of superintendent of buildings and grounds, secretary and treasurer.

No compensation to be paid.

Treasurer shall give bond.

Annual settlement and inspection to be made.

Report to governor.

"82. The board shall have power to create a preparatory department to said university and establish any other professorships than those indicated heretofore if the same be

Preparatory department.
Additional professorships.

Salaries of professors.

deemed essential ; to fix the salaries of the several professors and to remove them for good cause ; but in case of removal the concurrence of a majority of the board shall be required, and the reasons for the removal shall be communicated to the governor in a written statement.

Their removal.

Powers of regents as to admission of cadets. Duration of their services.

“ 83. Besides prescribing the general terms upon which students may be admitted, the course of their instruction, and the kind and duration of their services (which duration shall not exceed five nor be less than two years), the said regents are still further empowered to admit as regular students or cadets of said university from each senatorial district in the state four or five, and not more than five young men who are not less than sixteen, nor more than twenty one years of age, to be appointed by the regent of each senatorial district ; the admission in each case to be made upon undoubted evidence of a fair moral character. But should no application be made from any one, or all of said senatorial districts, then the vacancies may be filled from the state at large. *Provided*, That no more than seven cadets shall be appointed from any one county.

Number from each senatorial district.

When vacancies filled from state at large. Limit as to number from any county.

Repealing section.

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

[Approved March 6, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect as the expiration of ninety days after its passage.

CHAPTER XXIV.

AN ACT to establish a county court for the county of Preston.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia :

County court for Preston county.

When judge therefor to be elected. To be commissioned by governor. Term of office.

1. In the county of Preston there shall be elected by the qualified voters thereof at the general election for school officers, in the said county for the year one thousand eight hundred and seventy-nine, and on the second Tuesday of October, one thousand eight hundred and eighty, and on the second Tuesday in October every fourth year thereafter, a judge for the county court of said county, who shall be commissioned by the governor. His term of office shall be four years, except that the first judge elected under this act shall hold his office until his successor, elected on the

second Tuesday in October, one thousand eight hundred and eighty, shall qualify, and he shall receive a salary of ten hundred dollars per annum, to be paid out of the county treasury in quarterly installments. A vacancy in said office, if less than two years of the term shall remain, shall be filled by the justices of the county, summoned for that purpose (at which meeting a majority of all the justices in the county shall be necessary to constitute a quorum) by the appointment of some fit person, learned in the law, for the remainder of the term; but if more than two years of said term shall remain, then the said appointment shall be to fill the vacancy till the next general election, at which time the qualified voters of said county shall elect some suitable person to fill the vacancy for the unexpired term. The judge of said court shall be a man learned in the law, and during his term of office shall not practice the profession of the law, nor hold any other office, nor be eligible to any political office. He may be removed from office in the manner and for the causes set forth in the eighteenth section of the eighth article of the constitution of this state; and may be impeached in the manner and for the causes prescribed and set forth in the ninth section and fourth article of said constitution, and, upon conviction, shall be subject to the same judgment therein prescribed.

His salary; how paid.

Vacancies; how filled.

Not eligible to any other office nor permitted to practice his profession. May be removed from office; how and for what. May be impeached; how and for what.

2. The said county court shall have original jurisdiction in all matters of law where the amount in controversy exceeds twenty dollars, exclusive of interest and costs, and in all cases of *habeas corpus, quo warranto, mandamus, prohibition certiorari* and in all suits in equity. It shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators and the settlement of their accounts, and in all matters relating to apprentices, and all criminal cases under the grade of felony. But the jurisdiction of said county court shall be subject to such limitations as may be prescribed by law. It shall, through its clerk, have the custody of all deeds, wills, and all other papers presented for probate or record in said county, or which are by law now required and which may hereafter be required to be kept in the office of the clerk of the county court.

Original jurisdiction of court.

Shall have custody of all wills, deeds, &c., presented for probate or record.

3. The said county court shall have jurisdiction of all appeals from the judgments of justices of the peace, and its decisions shall be final therein, except in cases involving the title, right of possession or boundary of lands, the freedom of persons, the validity of a law or an ordinance of a corporation, or the right of a corporation to levy tolls or taxes.

Jurisdiction as to appeals from judgment of justices, and decision in such cases final; exception.

4. There shall be six sessions of said court in each year; four sessions for the trial of causes at which petit jurors

Number of sessions of court in each year.

shall be summoned, and at one of which a grand jury shall be summoned. The trial terms shall commence on the first Monday of February, second Monday of May, second Monday of August, and the first Monday of November of each year, the term for which a grand jury shall be summoned shall be determined by the court. The remaining two terms of said court shall be held on the first Tuesday in January and first Monday in July of each year, for the purpose of attending to the police and fiscal affairs of the said county, to which noither polit nor grand jurors shall be summoned.

Trial terms ;
when held.

Court to deter-
mine grand jury
term.
Police and fiscal
terms.

Petit and grand
jurors.

Who to hold po-
lice and fiscal
terms.

Majority of all
the justices re-
quired to be
present.
Justices to be
classified.

How summoned

Classification
after the next
general election.

5. The police and fiscal terms of said court shall be composed of the judge of the county court, who shall preside ; at least one justice from each district of said county as now laid off, provided that a majority of all the justices in office shall be present at each fiscal and police term, the justices serving alternately, according to the classification hereinafter provided for, at the first meeting under this act, which meeting shall be convened within twenty days after the election aforesaid by a summons issued by the clerk of the present county court to each of the justices in said county to meet on a day therein specified, for the purpose of being classified to serve at the police and fiscal terms of said county court. The first classification shall continue till the first fiscal term after the next general election for justices of said county. At the fiscal term in January, one thousand eight hundred and eighty-one, and regularly every four years thereafter, the justices of said county shall meet (a majority being present), and classify themselves for service at the police and fiscal terms of the ensuing four years. This classification shall be by lot, between the two justices of each district, so that each district shall always be represented by at least one justice at every police and fiscal term.

County to be
divided into
eight districts.
Two justices
and two constables to be elected in each district.

Also into two
assessment dis-
tricts.
Present magis-
terial and assess-
ment districts
to remain until
modified or
changed by
county court.
District officers
now in office to
hold their offices
until the end of
their terms.

6. The said county shall be laid off into eight districts as nearly equal as may be in area and population, in each of which there shall be elected two justices of the peace, and two constables. Said county shall also be laid off into two assessment districts, in each of which there shall be one assessor, elected as now proscribed by law. The magisterial and assessment districts as at present laid off in said county, shall remain the districts for the purposes of this act, until modified or changed by the county court of said county, and the justices, constables, overseers of the poor, road surveyors and assessors, now in office in said districts of said county, shall hold their respective offices to the full end of the term for which they were elected or appointed, and exercise all the powers and perform all the duties now conferred upon or required of them by law, except in so far as the same may be modified by this act, or they may be removed according to law.

7. The present clerk of the county court of said county, shall be clerk of the county court established by this act, and shall perform all the duties now required of him by law, except so far as the same may be modified, enlarged or diminished by this act, and receive the same fees as allowed by law for like services.

Clerk of county court to be clerk of the court established by this act. Fees.

8. The said county court at the police and fiscal terms thereof, shall have the superintendence of the police and fiscal affairs of said county, including the establishment and discontinuance of roads, bridges, ways, landings, ferries and mills; the granting of ordinary and other licenses; the appointment and displacement of overseers of the poor; and the appointment and control of all road officers; in the same manner as now prescribed by general law for county courts, or as may hereafter be prescribed by law, with power to lay and disburse the county levies. *Provided*, That no license shall be granted to sell intoxicating liquors in any incorporated town or village in said county, without the consent of the proper authorities of such town or village in writing, first had and obtained.

County court to have superintendence of police and fiscal affairs. Roads, bridges, &c., granting licenses, appointment overseers poor. County levy. Sale of liquors in incorporated towns and villages.

9. All vacancies in office not herein provided for, shall be filled as now prescribed by law.

Vacancies; how filled.

10. The justices sitting in the police and fiscal terms shall receive three dollars per day while sitting, to be paid out of the county treasury. Not less than nine justices shall constitute a quorum to transact business at the police and fiscal terms.

Compensation of justices in court.

11. The county levies shall be laid at the July term of said court, at which term all the justices in the county shall be summoned by the sheriff to be present, and a majority shall constitute a quorum for the transaction of that business.

County levy; when laid.

12. The sheriff of said county shall be, and he is hereby empowered and directed, to post or cause to be posted, printed notices at every voting place or precinct in said county for at least twenty days prior to the general school election for said county in the year one thousand eight hundred and seventy-nine, and also publish a copy of such notice in each newspaper published therein, for two successive weeks prior to the day last aforesaid, giving notice of the time and object of holding said election and the officers to be elected thereat, for which he shall be allowed a reasonable fee, including the cost of printing, to be audited by the county court and paid out of the county treasury.

Notice of election. Sheriff to post and publish in newspaper. Expenses; how paid.

13. The clerk of the county court shall prepare suitable poll books and tally sheets, for every voting place in said county, the poll books to be prepared with two columns respectively headed "for the revised county court" and "against the revised county court," and a sufficient num-

Clerk to prepare poll books. Form of poll books.

Election; by whom held.	ber of columns for the names of the candidates for county judge. Said election shall be held by the commissioners holding the said school election according to the laws now in force, and the result of the same shall be
Result certified to clerk of county court.	certified to the clerk of the county court of said county by said commissioners, who, when the result shall be ascertained, as now directed by law in other elections shall declare the same; and if the majority of the votes cast at said election be in favor of the revised system, the said clerk shall immediately certify to the governor of the state, the name of the person receiving the highest number of votes for judge of the county court, and the governor shall forthwith issue a commission to such person so receiving the highest number votes.
Clerk to certify result to governor.	
Governor to commission the person elected judge.	
Vacancy in the office of judge how filled.	15. In cases where all the justices are summoned to fill a vacancy in the office of county judge, they shall meet at the court house of said county, and organize by electing one of their number president; and the clerk of the county court shall be <i>ex officio</i> secretary. They shall vote <i>viva voce</i> , the president voting only in case of a tie. They shall receive the same <i>per diem</i> as for serving in court. <i>Provided</i> , That not more than six dollars shall be paid to any justice for service in court, or attendance upon such special meeting, at any one term or meeting, except at the July term of said court.
Mode of voting. Per diem. Proviso.	
Proceedings of special meetings to be recorded.	16. The proceedings of the special meetings provided for in the foregoing section of this act, shall be recorded and preserved among the other records in said clerk's office.
When this act takes effect.	17. If it appears that a majority of all the votes cast upon the question of the adoption or rejection of this act are in favor of its adoption, then the same shall take effect and be in full force on and after the twentieth day after said vote is taken. The person elected judge under this act shall qualify within twenty days after he receives his commission.
Qualification of Judge.	

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXV.

AN ACT to protect the purchasers of fertilizers in this state.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That all commercial fertilizers sold, offered or exposed

for sale shall be branded or accompanied by analysis attached to the same stating the percentage therein contained of nitrogen or its equivalent in ammonia of potash in any form soluble in distilled water, of phosphoric acid soluble in a neutral solution of citrate of ammonia at a temperature of one hundred degrees Fahrenheit and the percentage of phosphoric acid not thus soluble.

Fertilizers to be branded or have analysis attached.
What analysis to contain.

2. Every person selling, offering or exposing for sale any commercial fertilizer without the analysis required by section one, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned above than is contained therein or for the sale of which all the provisions of section one have not been complied with, shall forfeit fifty dollars for the first offense and two hundred dollars for each subsequent offense. The said penalty may be recovered by motion or repeated motions against the parties so offending in the circuit court of the county where such violations of the law have taken place. One half of such fines shall go to the purchaser and the other half to the state.

Penalty for violating provisions of sec. 1 by sellers and others, and for false analysis.

How penalty to be recovered.

Fines to go to purchaser and the state.

3. It shall be the duty of the professor of chemistry of the West Virginia University, at Morgantown, after having been sworn for the purpose, to analyze any specimens that may be furnished him by any purchaser of said fertilizer, and he shall report as soon as practicable to said party the result of said analysis made by him, free of charge or any compensation therefor.

Who to analyze fertilizers when requested by purchaser.

To report result.

To receive no compensation.

4. In any suit instituted by a party who has sold to a citizen of this state any commercial fertilizer to recover the price of same and a question arising as to whether the quality of the fertilizer be in accordance with the contract, the certificate of the professor of chemistry shall be regarded as *prima facie* evidence as to what is therein stated as to said analysis.

What deemed prima facie evidence in any suit for damages.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXVI.

AN ACT to establish a county court and a Board of commissioners, for the county of Pendleton, under the thirty-fourth section of the eighth article of the Constitution of West Virginia.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia:

1. In the county of Pendleton there shall be elected by

Authority to establish a county court and board of commissioners for Pendleton county.

When judge elected.

Judge to be commissioned by governor. His term of office. Salary to paid.

Vacancy in office; how filled.

What judge prohibited from doing during his term of office.

How judge removed and for what.

May be impeached; how and for what.

Who to be clerk

When to be elected. His term of office.

Original jurisdiction of court.

the qualified voters of said county, (of which not less than ten days' notice shall be given in the manner prescribed by law for holding general elections) on the day of the election of school officers in one thousand eight hundred and seventy-nine, and on the second Tuesday in October one thousand eight hundred and eighty-four, and at the same time in every fourth year thereafter, a judge for the county court of said county, who shall be commissioned by the governor, and hold his office until his successor is elected and qualified. His term office shall be four years, and he shall receive a salary of four hundred dollars, to be paid out of the county treasury, provided this act is adopted by the voters of said county, in quarterly installments. A vacancy in said office, if not more than one year shall remain of the time thereof, shall be filled by the commissioners of said county, who shall appoint some one learned in the law to fill such vacancy, a majority of whom shall make an appointment to fill such vacancy; but if more than one year of said term shall remain, then shall said appointment be made until the next general election, at which time, said vacancy shall be filled by the election of some suitable person, learned in the law, by the qualified voters of the county. The judge of said county court during his term of office, shall not practice the profession of law, or hold any other office, appointment or public trust, under the authority of this state or any other government; and upon his acceptance thereof, shall not be, during his continuance therein, eligible to any other political office. He may be removed from office by a concurrent vote of both houses of the Legislature, when from any disease, mental or bodily infirmity, he shall be incapable of discharging the duties of the office, in the manner provided by the eighteenth section of the eighth article of the Constitution of this state. He shall also be subject to impeachment for corruption, malfeasance, maladministration, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor, in the manner prescribed by the ninth section of the fourth article of said constitution, and upon conviction, shall be subject to the same judgment as therein prescribed.

2. The clerk of the present county court shall be the clerk of this court until the election provided for, and to be hold in October, one thousand eight hundred and eighty-four, at which time a clerk shall be elected for said court, and thereafter the clerk shall hold his office for the term of four years.

3. The county court shall have original jurisdiction in all actions of law when the amount in controversy exceeds twenty dollars, and also in all cases of *habeas corpus quo warranto*, *mandamus prohibition*, *certiorari*, and all suits in equity. It shall have jurisdiction in all matters of probate, appointment and qualification of personal representatives,

guardians, committees, and curators, and the settlement of their accounts, and in all matters relating to apprentices; and of all criminal cases under the grade of felony, except as hereinbefore provided. But the jurisdiction of the county court, established in pursuance of this act, shall be subject to such limitation as may be prescribed by law. The said court shall have the custody, through their clerk, of all wills, deeds, and other papers presented for probate or record in said county, which shall be disposed of or preserved as required by law. The said county court shall have jurisdiction of all appeals from the judgment of justices, and its decision upon such appeals shall be final in all cases, except such as involve the title, right of possession or boundaries of lands, the freedom of a person, the validity of a law or an ordinance of any corporation, or the right of a corporation to levy tolls or taxes.

To have jurisdiction in matters of probate; appointment &c. of personal representatives &c. and in criminal cases under the grade of felony. May be limited by law. Custody of wills, deeds, &c.

Appeals from Justices. Decision to be final, except, &c.

4. There shall be four sessions of said court in each year, which shall be held for the trial of jury causes at the same time as now fixed by law or ordinance in said county; to all of which terms petit jurors, and to one or two of said terms, as the court may order, grand jurors shall be summoned to attend as at terms of the circuit court for said county.

Sessions of court for trial of jury causes.

Petit and grand jurors.

5. The present sub-divisions of the said county into districts shall constitute such districts until changed by the board of commissioners hereafter mentioned.

Present districts to remain until changed.

6. The justices of the peace now in office, and elected in the several districts from time to time, shall constitute a board to be known as "the board of commissioners of the county of Pendleton." They shall meet statedly, on the same days as are now fixed by their county court, for their fiscal and police terms in each year. They shall elect one of their number president of the board and the clerk of the county court shall be *ex-officio* clerk of said board of commissioners, who shall keep a journal of their proceedings, including a record of their ordinances, in a volume separate from the journal of proceedings, and transact such other business pertaining to his office, as may be by them or by law required, and whose compensation they shall fix by ordinance and pay from the county treasury. The said board shall have the superintendence and administration of the internal police and fiscal affairs of the county, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills; the granting of ordinary and other license; with authority to lay and disburse the county levies. *Provided*, That no license shall be granted for the sale of intoxicating liquors in any incorporated city, town or village, without the consent of the authorities thereof, the same being first had and obtained. All writs of *ad quod damnum* shall issue from

Board of Commissioners; who to constitute board.

By what name to be known. When to meet. President of board. Clerk of board.

Duties of Clerk.

His salary, how fixed and paid.

Jurisdiction and duties of board.

Proviso as to license for sale of liquors in incorporated towns, &c.

Writs of *ad quod damnum*.

the county court. The board of commissioners shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers, with the right of appeal, under such regulations as may be prescribed by law to the county court, and it shall exercise such other jurisdiction and perform such other duties as may be prescribed by law. The said commissioners shall receive a compensation of three dollars per day for every day's attendance upon a meeting of the said board, to be paid out of the county treasury; but neither shall receive pay for more than six day's attendance during any one year. Any commissioner may be indicted for malfeasance, misfeasance, or neglect of his official duty, and upon conviction thereof, his office shall become vacant. A vacancy in the board of commissioners, whether from resignation, removal from the district, removal from office, death or other cause, shall be filled by the remaining members of the board.

7. The county court of Pendleton county shall provide, by the appointment of commissioners and other officers, for the election on the day of the election of school officers in one thousand eight hundred and seventy-nine, to take the sense of the qualified voters of said county upon the question of adoption or rejection of this act, and for the election of officers under it, and should the said county court fail to meet and appoint three persons, as aforesaid, or the same being appointed, shall fail to act, then the voters present, at any poll, may appoint three qualified voters to conduct said election, at which election all the qualified voters of said county shall have the right to vote. Said election shall be held according to the laws now in force, and the result shall be certified by the precinct commissioners of election, to the county commissioners, at the court house of said county, and the vote of the county ascertained by them, and a return thereof be made by them to the governor of the state, at the expiration of five days from the date of said election, who shall issue a commission to the candidate receiving the highest number votes as judge of said court.

8. If it appears that a majority of all the votes cast upon the question of the adoption or rejection of this act, are in favor of its adoption, then the same shall take effect and be in force on and after the twentieth day after the vote is taken upon this act. The person elected judge under it shall qualify within twenty days after his commission is issued as aforesaid.

9. If the county of Pendleton should, by a majority vote reject this act then the act shall be null and void.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXVII.

AN ACT prescribing regulations for the transportation of petroleum or other oils or liquids by railroad companies or transportation companies or through pipes of iron or other material constructed for that purpose.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia :

1. All companies heretofore or hereafter organized for the purpose of transporting petroleum or other oils or liquids through pipes of iron or other material, shall be required to accept all petroleum offered in a merchantable order to them in quantities of not less than two thousand gallons at the wells where the same is produced, and transport the same to any tank or other receptacle on the route of their line of pipes, which may be designated by the owners of the petroleum so offered.

Companies organized for transporting petroleum, &c., through pipes, required to accept the same when offered in a merchantable condition and in certain quantities.

2. All petroleum offered for transportation shall, before the same is transported as provided in section one of this act, be inspected, graded and measured, and the company accepting the same for transportation, shall give to the owner thereof a receipt, stating therein the number of barrels or gallons so received, and the grade, gravity and measurement thereof, and within a reasonable time thereafter, upon the demand of said owner or his assignee, shall deliver to him at the point of delivery a like quantity and grade or gravity of petroleum, in a merchantable condition as specified in such receipt, except that the company may deduct for waste one per centum of the amount of petroleum specified in such receipt.

Petroleum to be inspected, &c., before transported. Company transporting to give receipt to owners. Duty of company as to delivering.

What may be deducted.

3. The charge for receiving, transporting and delivering petroleum shall not exceed two cents per barrel, of forty gallons, per mile ; Provided, that if said rate should amount for the whole distance transported, to less than ten cents per barrel, then the sum of ten cents per barrel may be charged, provided, that not more than thirty cents shall be charged for any distance less than twenty miles, and for all distances over twenty miles one and one-half cents per

Charge for receiving, transporting and delivering. Provisoes as to rates to be charged in certain cases.

Charge for transporting water. mile may be charged. The charge for transporting water shall not exceed five cents per barrel, of forty gallons each; and if any company mentioned in this act shall charge a higher rate or amount for receiving, transporting and delivering petroleum or other oils or liquids, than is prescribed by this act, they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than five hundred dollars for each offense, and shall moreover be liable to the party aggrieved for double damages and costs.

Charging a higher rate deemed a misdemeanor.

Penalty.

Uniform rates to be charged. 4. It shall be unlawful for any railroad company, or transportation company, through pipes or otherwise, to charge, demand, or receive from any person or firm, a greater or less rate for the transportation of any article, than it charges, receives, or demands from any other person or firm, for the transportation of like or similar articles, and for each violation of the provisions of this section, such company shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, and not more than one thousand dollars.

Failure to do so deemed a misdemeanor.

Penalty. Any shift, device, &c., to evade, to be void.

Charge for storage. 5. Any transportation company mentioned in the first section of this act shall be permitted to charge for storage of petroleum two cents per barrel per month or part of a month unless removed within five days from date of storage, and shall be allowed for evaporation and waste, one-half of one *per centum* of the oil per month unless removed within fifteen days from date of storage; and for every charge in excess of the amount herein authorized, the company shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, and shall moreover be liable to the party aggrieved for all damages sustained by him by reason of such excessive charge.

What allowed for evaporation and waste.

Every charge in excess deemed a misdemeanor.

Penalty.

Lien for charges 6. Any company transporting petroleum or other oils or liquids, shall have a lien on the same until all charges are paid for freight, storage, &c.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXVIII.

AN ACT to amend and re-enact section one of chapter sixty-three of the acts of one thousand eight hundred and seventy-two and three.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section one of chapter sixty-three of the acts of one thousand eight hundred and seventy-two and three, be and the same is hereby amended and re-enacted so as to read as follows:

Section 1, chapter 63, Acts 1872-3 amended.

"1. That the county courts of Hardy, Grant and Pendleton counties, shall require the removal of all trees, brush, logs and other obstructions to the free passage of the waters of the South Branch of the Potomac river and its tributaries, viz: The South Fork and the North Fork of of the said South Branch within the limits of said counties, and in the county of Grant, the South and North fork of Luney's creek, at least once in each year after the passage of this act and oftener if they deem it expedient.

Removal of obstructions out of certain waters authorized within the limits of certain counties.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXIX.

AN ACT to make the farms and residences owned and occupied by Benjamin B. Stout and P. H. Goodwin, a part of the Clarksburg independent school district, in the county of Harrison.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the farm and residence owned and occupied by Benjamin B. Stout, and the house and farm of P. H. Goodwin, be and the same are hereby made a part of the Clarksburg independent school district in the county of Harrison.

Farms of Benjamin B. Stout and P. H. Goodwin made part of Clarksburg independent school district.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXX.

AN ACT to amend and re-enact section thirty of chapter one hundred and twenty-three of the acts of one thousand eight hundred and seventy-two and three, as amended and re-enacted by chapter seventy-seven of the Acts of one thousand eight hundred and seventy-seven.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section thirty of chapter one hundred and twenty-three of the Acts of one thousand eight hundred seventy-two and three, as amended and re-enacted by chapter seventy-seven of the Acts of one thousand eight hundred and seventy-seven, be amended and re-enacted so as to read as follows :

“30. Every teacher shall keep a daily register and make monthly reports to the secretary of the board of education of his district. He shall also keep a term register, in which shall be entered the date of the commencement and termination of every term of the school, the name and age of every scholar who attended the school during such term ; the daily attendance, distinguishing between males and females ; the branches taught, and the number of scholars engaged in each month in the study of each branch, and such other particulars as are necessary to enable the secretaries of the boards of education, or directors, to make the reports required of them. The state superintendent of free schools shall prescribe such forms and regulations respecting the register to be kept, and reports to be made by the teachers, as shall seem to him necessary. At the close of each term the register thereof shall be returned by the teacher to the office of the secretary of the board of education for the district, who shall file the same, and unless such register shall be properly kept and returned, the teacher shall not be entitled to demand payment of the balance due on his salary. Teachers shall be paid monthly, and by orders on the sheriff or collector, signed by the president and secretary of the board, or by such orders on a sheriff or collector whose term has expired, but is charged or chargeable with money applicable to the payment of teachers. When any teacher has taught according to his contract, for one month, the trustees for the sub-district in which he has so taught, shall certify the fact to the secretary of the district board, whereupon he shall receive from said secretary an order upon the sheriff or collector of the county, signed by the said secretary and president of the board of education, for one month's salary; but in no case shall such order be given unless the monthly report containing the facts required in the preceding part

Register to be kept by teacher. to make monthly reports.

What to be entered in register

State Superintendent to prescribe forms and regulations as to such registers and reports.

Where register to be filed at close of term.

For what teacher forfeits balance of his salary.

When and how teachers paid.

When entitled to pay.

of this section, to be shown in the term register, be first duly made out and returned to the secretary. The school month shall consist of twenty-two days, excluding Saturday, all of which shall be devoted to teaching the school contracted for. As a means of improving the teachers and fitting them for more effective service in the free schools of the state, teachers' institutes shall be annually held throughout the state, one or more in each county; they shall be held during the months of July and August, and at such times and places as the state superintendent shall, with the advice of the county superintendent, direct, and shall continue each for one week of five days; they shall be conducted by experienced and skillful institute instructors, who shall be appointed by the state superintendent, but it shall be a part of the duty of the county superintendent, under the instructions of the state superintendent, to make all proper arrangements for the institutes, and to assist in conducting them. The instructors whom the state superintendent shall employ, as herein provided shall each receive for his services, not more than twenty-five dollars for each institute he may instruct, to be paid out of the general school fund, on a proper order of the state superintendent, but the aggregate amount of such compensation for the whole state shall not exceed five hundred dollars. At the close of the institutes as herein provided, and during the week following, the county board of examiners shall hold their examinations for teachers' certificates. It shall be the duty of the state superintendent to prescribe the course of instruction of the institutes and the methods of conducting them, together with such other details connected therewith as he shall deem conducive to their usefulness and efficiency.

School month.

Teachers institutes.

Shall continue for five days.

Duty of County Superintendent as to such institutes.

State superintendent to employ instructors

Compensation.

Board of examiners to hold their examinations at close of institutes.

Course of instruction in institutes to be prescribed by State Superintendent.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXI.

AN ACT to amend and re-enact section twenty-two, of chapter eighty-eight, of the Acts of one thousand eight hundred and seventy-two and three, relating to the incorporation of railroad companies, so as to permit *bona fide* stock dividends.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia:

1. Section twenty-two of chapter eighty-eight of the acts of one thousand eight hundred and seventy-two and ^{Section 22, chapter 88, acts 1872-3 amended.}

three, entitled "an act to provide for the incorporation of associations that may be organized for the purpose of constructing railroads, maintaining and operating the same; for prescribing and defining the duties and limiting the powers of such corporations when so organized," is hereby amended and re-enacted so as to read as follows:

Issue of stock,
stock dividends
or bonds, except
in certain cases
prohibited.

All other stock
Dividends, &c.,
void.

"22. No such corporation shall issue any bonds except for money, labor, property or materials actually received and applied to the purpose for which such corporation was organized, nor shall it issue any stock or declare any stock dividends except for money, labor, property or materials so received and applied, or for amounts of money not exceeding the net earnings of such corporation, which shall have been actually and in good faith applied and invested in and for the purpose for which such corporation was organized. All other stock dividends and all fictitious increase of the capital stock or indebtedness of such corporation shall be void."

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXII.

AN ACT providing for the holding of the county court
of the county of Pleasants.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia :

Pleasants co.
Time of holding
county courts.

1. That the county court of the county of Pleasants be held hereafter on the second Monday in January, March, May, July, September, and first Monday in November.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXIII.

AN ACT changing and fixing the time for holding the county courts in the county of Hampshire.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the county court of the county of Hampshire, Hampshire shall hereafter commence and be held as follows: county,

On the second Tuesday in January, third Tuesday in March, and second Tuesday in August; on the first Tuesday Times of hold- ing the county courts in. in June, first Tuesday in October and first Tuesday in December.

2. That so much of the act approved February eighteen, one thousand eight hundred and seventy-three, entitled "an act to amend and re-enact a portion of an act entitled 'an act providing for county courts and defining their jurisdiction,' "as may be inconsistent with this act is hereby repealed. Act approv ed February 13, 1873, providing for county courts, repealed so far as inconsis- tent with this act.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXIV.

AN ACT to amend and re-enact the act to incorporate the town of New Cumberland, in the county of Hancock.

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the municipal authorities of said town of New Cumberland shall consist of mayor, recorder, and five councilmen, who together shall form a common council. New Cumber- land, charter of amended. Who to form common coun- cil.

2. There shall be a town sergeant appointed by the council, who shall be *ex-officio* treasurer and superintend- Town sergeant; how appointed. ent of roads, streets and alleys.

3. The sergeant, so appointed, shall serve during the pleasure of the council, and shall receive such compensa- To be ex-officio Treasurer, &c.

His compensation. His powers. To what penalties subjected.

tion as the council shall prescribe. He shall be invested with all the powers conferred by section nineteen of the act to which this is an amendment, and this much additional: That his jurisdiction shall extend to any place in Clay district, but for police purposes only, beyond the corporate limits of said town. He shall also be subject to all the penalties mentioned in section nineteen of the act of incorporation.

Vacancies in any office; how filled.

4. Whenever a vacancy shall occur in any office, it shall be filled by appointment by the council from among the citizens of the town, who would have been eligible to election to the said office.

Annual levy; how made. Proviso as to the amount to be levied.

5. The annual levy ordered by the council may be upon the tax lists, made by the proper officers, for state and county purposes. *Provided*, The amount levied in any year shall not exceed fifty cents on each hundred dollars of valuation of such property for state and county purposes and twenty-five cents on each male person over the age of twenty-one years.

Who to work on streets, alleys and roads. May be released by paying not exceeding two dollars per day. Money so paid; how used.

6. Every able-bodied male citizen of said town not under twenty-one, nor over forty-five years of age, and who is not a pauper, shall, if required by the council, work not exceeding two days, either by himself or by an acceptable substitute, under directions of the superintendent of roads, streets and alleys, or he may be released from such work by paying to the treasurer such an amount as the council may prescribe, which amount shall not exceed two dollars per day. The money so paid to be used for the repairs of the streets.

Duty of council as to receipts, expenditures and indebtedness.

7. It shall be the duty of the council, at least once in six months, on the thirteenth day of October and April of each year to cause to be posted in some conspicuous place in said town, a statement verified by the affidavit of the treasurer, of all the receipts and expenditures of said town, with the amount of its indebtedness and for what purpose contracted.

A conflicting act repealed.

8. So much of the act of one thousand eight hundred and seventy-two, entitled "An act to incorporate the town of New Cumberland, in the county of Hancock," as shall be in conflict with this act is hereby repealed.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXV.

AN ACT to amend and re-enact section one of chapter one hundred and nineteen of the act approved on the first day of March, one thousand eight hundred and seventy-seven, entitled "an act providing for the construction of a road from Helvetia, in Randolph county, to some convenient point on the Staunton and Parkersburg turnpike road in said county and appropriating money from the treasury to aid therein."

[Passed February 25, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section one of chapter one hundred and nineteen of the acts of one thousand eight hundred and seventy-seven be amended and re-enacted so as to read as follows :

"1. That the sum of one thousand dollars be and the same is hereby appropriated to aid in the construction of a good wagon road from Helvetia, in said county, by the way of Melvin Currence's mill, to some convenient point on the Staunton and Parkersburg turnpike road in said county of Randolph. *Provided*, That not more than fifty dollars per mile of this appropriation shall be expended, and not more in the aggregate than shall be expended by the county of Randolph, for said road per mile."

GEO. H. MOFFETT,

Speaker of the House of Delegates.

D. D. JOHNSON,

President of the Senate.

OFFICE OF SECRETARY OF STATE, March 7, 1879.

I certify that the foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the Legislature in which it originated, within the time prescribed by the constitution of the state, has become a law without his approval.

S. BRADY,

Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXVI.

AN ACT to amend and re-enact chapter twenty-six of an act passed February twenty-one, one thousand eight hundred and seventy-seven, entitled "an act to amend and re-enact section four of chapter sixty-two of the code."

[Passed March 5, 1879.]

Be it enacted by the Legislature of West Virginia :

Section 4, chapter 62, Code amended.

Unlawful to catch or destroy fish, by means of nets, traps, &c., except hook and line, in creeks or rivers. Unlawful to place, at any time, fish pots, wells or traps, in rivers, creeks &c. Unlawful to catch fish by means of nets seines &c. in rivers, from March 1st, to September 1st. Fishing at certain seasons in any manner, for certain fish, prohibited.

Unlawful to kill fish with poison, etc.

Unlawful to trespass upon enclosed fields.

Catching fish in private dam or pond, prohibited.

Exception as to minnows or small fish.

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

"4. It shall not be lawful for any person to catch or destroy any of the fish in the creeks or runs of this state by means of drag or other nets, fish-pots, weirs, traps, by sledging, shooting, or other devices, (except hook and line) nor shall it be lawful to place in the rivers, creeks or streams of this state, at any time, any fish-pots, weirs or traps, nor shall it be lawful for any person to catch or destroy, or attempt to catch or destroy any of the fish in the rivers of this state by means of drag or other nets, sledging, shooting, seines or other devices, (except by hook and line) from the first day of March to the first day of September of each year. It shall not be lawful to catch or destroy any black-bass, jack-salmon or white-salmon in any manner, between the first day of May and the fifteenth day of June of each year, nor to catch or destroy any brook-trout or land-locked salmon in any manner between the first day of September and the first day of January in each year; nor shall it be lawful for any person to kill fish with *cocculus indicus* or other poison, or by the explosion of powder or other substance at any time. It shall not be lawful for any person engaged at any time in catching fish to trespass upon or go into any enclosed field adjoining or near to the stream in which such person is fishing, nor to pass through any enclosed field for the purpose of fishing, without permission from the owner or occupier of such field, nor shall it be lawful for any person at any season of the year to catch or destroy fish in any dam or pond the property of any person in any case in which such person may have stocked such dam or pond with fish, except with the consent of the owner of such dam or pond. But nothing in this act shall be so construed as to prevent the catching of minnows or small fish (except salmon, shad, and trout) by means of hand or cast-nets to be used for angling or scientific purposes; nor to prevent the commissioners of fishes of this state, or any person with their con-

sent, from catching any fish at any time with nets or seines for purposes of propagation or stocking other waters, nor to prevent any person from taking in any way fish from his private dam, pond or spring at any time.

Fish for propagation.
Private pond &c., owner of, may take fish from in any way.

2. And this act shall be given specially in charge to each grand jury in every court.

To be given specially in charge to grand juries.

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

Acts repealed.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XXXVII.

A BILL for the relief of Daniel Looney, sole solvent security of J. W. Spencer, late sheriff of Roane county.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the auditor of this state may and shall, on the application of Daniel Looney, postpone the collection of the several judgments of the state of West Virginia, against J. W. Spencer, late sheriff of Roane county and his sureties, as to said Daniel Looney, for the period of five years from the passage of this act, on such terms as said auditor may regard as just to the state, and may, at the same time, protect the said Looney against the sacrifice of his property to pay the same, and the said auditor may, from time to time, enter into such other and further arrangements with said Looney as the auditor may think expedient and proper. But this act shall in no wise be construed as relief of any or either of the co-securities from their liabilities as such sureties, nor to release or to impair any lien by virtue of said judgments of the state upon the estate, real and personal, of the said Daniel Looney.

Auditor authorized to postpone collection of several judgments against Daniel Looney, as security of J. W. Spencer.
For what time.
Upon what terms.
May make further arrangements.

Co-securities not relieved from liability. Lien upon estate not to be impaired.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXVIII.

AN ACT to establish a court of limited jurisdiction in the city of Huntington.

[Passed March 4, 1879.]

Be it enacted by the Legislature of West Virginia:

- Court of limited jurisdiction established.** 1. There shall be established a court of record of limited jurisdiction in the city of Huntington to be called the municipal court of Huntington.
- Election when held.**
Officers to be elected.
Term of office to begin. 2. On the first Thursday in April, one thousand eight hundred and seventy-nine, and in every fourth year thereafter, there shall be elected by the voters of the city, a judge and a clerk of the said court, who shall be citizens of Cabell county, and whose term of office shall begin on the first day of May, next after their election, and they shall continue in office until their successors are elected or appointed and qualified.
- Vacancies, how filled.** 3. If for any cause either of the said offices be vacant during the term, such vacancy shall be filled by the council until the next annual election in said city, when such officer shall be elected for the unexpired portion of said term.
- Elections governed by same regulations as election for mayor, etc.** 4. The regular and special elections for the said judge and said clerk, except as to the time of holding the same, shall be subject to the same regulations as the election for mayor and members of the city council.
- Salary of Judge.** 5. During the judge's service in office he shall receive from the treasury of the city a salary, to be prescribed by ordinance of the council; but after the salary has been so prescribed, no ordinance increasing or diminishing the same shall take effect until an election to the office has intervened.
- Removal from office.** 6. The judge or clerk may be removed from office for misconduct, incompetency or neglect of duty, or on conviction of an infamous offense, by the council of the city, two-thirds of the members concurring in such removal; but before any order or resolution for removal is passed, such officer must have reasonable notice of the causes alleged therefor, and an opportunity to be heard in person or by counsel as he may elect.
- Notice of causes alleged for removal.**
- Original jurisdiction in cases of violation of city ordinances. Proceedings to be by summons.** 7. Where any fine, penalty or punishment may be lawfully imposed for a violation of an ordinance of the city, the municipal court shall have original jurisdiction of the case. The proceedings in such case shall be by summons on behalf of the city as plaintiff and shall conform to the regulations, so far as they are applicable, respecting civil

suits and proceedings before justices. But the judge, for good cause shown, may, by endorsement on any such summons, order the defendant or defendants to be arrested and brought forthwith before him to be dealt with according to law. Judge may order arrest.

8. The said court, also within the city, shall have the same jurisdiction and powers as a justice, within his county, in relation to the apprehension, examination, commitment or admitting to bail of any person charged with a criminal offense whether committed in said city or elsewhere; and in the exercise of such jurisdiction and power shall be subject to the same regulations. Jurisdiction in criminal offenses

9. For the exercise of the jurisdiction and power conferred by the last two sections (hereinafter called the police jurisdiction of the said court) the court shall be held at such times and at such places in the city as to the said judge may seem convenient and proper. Judge to fix times and places for holding the court.

10. The said court shall also have jurisdiction in all civil suits and proceedings where the amount in controversy exceeds the sum of ten dollars, exclusive of interest and costs, and where the possession or title of real or personal estate is concerned, and in divorces and all cases in equity but in the following cases only: Jurisdiction in civil suits and proceedings; and to what cases.

I. Where the defendant, or one of the defendants, resides in the city.

II. Where the cause of action arose within the city.

III. Where the property, real or personal, the title or possession of which, or the right to subject it to a debt is in controversy, or some part of such property is in the city.

IV. Where the defendant, or one of the defendants, being a non-resident of the state, is found in the city, or has estate or effects therein; and any demand against a resident of the city, or a corporation or a firm doing business therein, or any stock or share in the capital of such corporation or firm, shall be deemed effects in the city within the meaning of this clause.

11. The said court shall also have jurisdiction without reference to the amount in controversy, of civil suits and proceedings at law instituted to recover any taxes, debt or demand, alleged to be due the said city, or to recover damages for breach of the condition of any bond made payable to the city, or to recover compensation for damages alleged to be done by the defendant to any property, real or personal, belonging to the city. Jurisdiction in civil suits and proceedings in behalf of the city.

12. The said court shall also have concurrent jurisdiction with, and same powers as the circuit court of Cabell

Concurrent jurisdiction with circuit court in cases of habeas corpus, etc.

Proviso.

Judge to have same powers in vacation as judge of circuit court.

Sessions for the civil jurisdiction of the court when held. When suits and proceedings stand continued

Where sessions held.

Clerk's office.

When judge incapable of acting, who to exercise police jurisdiction of court.

Rules where held, etc.

Right of trial by jury in civil suits.

May consist of six jurors.

When jury must be demanded. Party demanding to make deposit to pay jury.

county, in cases of *habeas corpus* as to leasing lands of infants, married women or insane persons, and of the sale of their lands, or those held for *cestui que trust*, where such lands or a part thereof are within said city; as to corporations having their principal office or place of business within said city; as to the appointment of receivers and commissioners, and as to a bill for injunction. *Provided*, That such power shall not extend to the granting of injunctions to the judgments and proceedings of the circuit or county courts.

13. The judge of said court shall have the same powers in vacation, with respect to the matters mentioned in this act, as the judge of the circuit court of Cabell county in vacation now has, or may hereafter be vested with in respect to same matters.

14. For the exercise of the jurisdiction and powers conferred by the last four sections (hereinafter called the civil jurisdiction of the said court) five sessions per year of said court shall be held, commencing on the second Monday of each of the months of February, May, July, September and December, and continuing until the court is adjourned by the judge thereof to the succeeding term. But if any such term be not commenced on the day hereby appointed, or the Tuesday or Wednesday next after the same, all suits and proceeding then pending therein shall stand continued, without any special order to that effect, to the succeeding term.

15. The said five sessions shall be held at such place within the city as the council may from time to time provide for the purpose. The council shall also provide an office in the city for the clerk of said court.

16. When the judge is, from sickness or other cause, incapable of acting, or is absent from the city, the mayor of the city, or some person appointed for the purpose by the council, shall exercise the police jurisdiction of said court.

17. Rules shall be held in the clerk's office of the said court, commencing on the first Monday of every month, and the said rules may continue for three days.

18. Either party to a suit at law, in said court, shall be entitled under the regulations herein prescribed to a trial by a jury of twelve men if required by either party, and the jury may consist of six men by the consent of the parties or their counsel, and in that case a verdict shall be as valid and have the same effect as if it had been found by a jury of twelve.

19. The demand must be made before the court has commenced an investigation of the merits of the case by the examination of any witnesses, or the hearing of other evidence; and the party so demanding a jury must deposit

with the clerk the sum of six dollars or a proportional amount, according to the number of jurors demanded, for the purpose of paying the costs of the jury.

20. When the jury is to be called, the case shall be passed until the time fixed for the return of the jury.

When jury is called, to what time, cause continued.

21. The names of at least eighteen persons, designated by the court, shall be by the clerk written on separate pieces of paper or ballots the same size and appearance, which shall be folded or rolled so that the names cannot be seen, and that so far as possible, one cannot be distinguished from another. The ballots so folded or rolled shall be put into a box and well shaken or mixed together. The clerk shall then, under the inspection of the court and in the presence of the parties, their agents or attorneys, draw out one of the ballots, and if no just exception be shown by either party, shall enter the name written on such ballot on the list of jurors to be summoned; and so shall proceed till the number of names on the list amounts to the number required. And so on with each case, except that it shall not be necessary to select a different jury for each case, but the same jury, by the agreement of the parties, or by the directions of the court, may serve on several different cases.

How jury selected and drawn.

Same jury by agreement may serve on several different cases.

22. The clerk shall then issue a *venire*, or summons, directed to any officer in attendance upon the court, commanding him to summons the person therein named to appear at the time and place stated, to serve as jurors in the trial of causes before said court.

Jury, how summoned.

23. The officer shall serve such *venire* by personal service on the jurors therein named, and return the same endorsed by him with the names of the persons so summoned, at the time and place appointed for the trial.

Summons to be by personal service.

24. If a sufficient number of competent jurors be not obtained as aforesaid, the court may supply the deficiency by directing the officer to summons any of the by-standers or other persons to serve as jurors.

Deficiency in persons so summoned, how supplied.

25. The clerk shall keep a list of all the qualified jurors residing in the city, from which said list shall be selected those whose names are put into the box as aforesaid.

List of persons to be kept by clerk.

26. When not otherwise herein provided, said jurors shall be governed by the same rules, regulations, exceptions, fines and penalties as jurors summoned to attend before the circuit court of said county.

Rules regulations, etc., governing jurors.

27. The jurors shall each be entitled to fifty cents for each case tried by them, to be taxed as part of the costs of the suit, and to be paid to them out of the amount deposited as aforesaid. And if a suit in which a jury is impaneled should last longer than one day, the jurors serving

Compensation of jurors, how paid.

in said case shall each be entitled to fifty cents a day for each day they serve on each jury up to the time the case is submitted to them, to be taxed in the costs of the suit.

Usages and principles of law governing court and its officers in the exercise of its civil jurisdiction.

28. When not herein otherwise provided, said court and its officers in the exercise of its civil jurisdiction shall be governed by the usages and principle of law applicable to similar cases in the circuit court of Cabell county; but when pursuant to the eleventh section, the said court shall have jurisdiction of any civil suit or proceedings in which the amount claimed, exclusive of interest and costs, does not exceed one hundred dollars, it may adopt the mode of proceedings prescribed for civil suits before justices.

Facts authorizing jurisdiction of court need not be set forth on record.

29. It shall not be necessary, in any snit or proceeding in the said court, that the facts authorizing it to take jurisdiction of the case should be set forth upon the record, but jurisdiction shall be presumed unless the contrary appears by the record.

Process, executions, etc., of court, how signed, directed and executed.

30. All process, executions, rules, and orders of the said court in the exercise of its civil jurisdiction shall be signed by the clerk thereof, and be directed to the sheriff of the county of Cabell and be executed in like manner and with the same effect as process issuing from the circuit court of said county. And in the execution of the process, rules and orders of said court the officer shall have the same power and rights, be subject to the same liabilities, govern his proceedings by the same rules and principles of law, and be entitled to the same fees as though the process issued from the circuit court of said county.

Power and right of officer executing same.

His fees.

Process, executions, etc., of court, in the exercise of its police jurisdiction, how signed how directed. Compensation of marshal when entitled to same fees as sheriff.

31. All process, executions, rules and orders of the said court, in the exercise of its police jurisdiction shall be signed by the judge or clerk, and be directed to the marshal of the city who shall be entitled to such compensation or salary as the council of the city shall deem reasonable, and shall prescribe by ordinance, but in cases in which such marshal acts in the capacity of a sheriff or constable, he shall be entitled to the same fees as such officer in like cases.

Clerk of court, his duties.

32. The clerk of the said court shall perform the same duties in relation to the civil jurisdiction thereof that the clerk of the circuit court by the usages and principles of law is required by law to perform for that court; and such services in relation to the police jurisdiction of the municipal court as may be directed by the judge thereof, or be prescribed by rule or order of said court.

Fees of clerk.

33. For his services the clerk of said court may charge the same fees as a clerk of the circuit court for similar services. And such fees in any case, shall be collected and accounted for by the sheriff of Cabell county, in like manner as fees of the clerk of the circuit court. The council

How collected and accounted for.

of the city may allow the clerk of the municipal court, out of the treasury of the city, such further compensation, if any, as they may deem reasonable. Council may allow other compensation.

34. In the taxation of costs, the clerk shall be governed by the same rules as the clerk of the circuit court, except that in taxing what are usually called attorney's fees, he shall include in the costs to the party prevailing in actions at law, not less than two nor more than ten dollars, and in suits in chancery, not less than five nor more than fifteen dollars, as the court may prescribe. Taxation of costs, rules governing. Exception as to attorney's fees.

35. The clerk of the municipal court shall give bond to be approved by the the said court, or the judge thereof in the penalty of three thousand dollars, payable to the state of West Virginia, and conditioned for the faithful discharge by him of the duties of his office, which bond shall be filed in the office of the clerk of the county court of said county, and the provisions of law relating to official bonds of similar officers of courts shall be applicable thereto. Bond of clerk. Where filed and provisions of law applicable.

36. There shall be a city tax of fifty cents, on every suit commenced in said court, to be paid to the clerk, and by him to be paid into the city treasury for the purpose of establishing a fund to defray the expenses of said court. Tax on suits. To whom paid and for what purpose.

37. A seal shall be provided for the said court by the council of the city, and the same may be altered or renewed as the court shall order. Full faith and credit shall be given to the records of said court, and the certificates of its judge or clerk whether the seal of the court be affixed thereto or not, in like manner and with the same effect as if the same were records of a circuit court, or certificates of the judge or clerk of a circuit court, similarly authenticated. Seal of court. Faith or credit to be given to the records of court.

38. In cases within the police jurisdiction of the municipal court the judgment of the said court shall be subject to appeal to the circuit court of Cabell county in like manner and subject to the same restrictions and regulations as an appeal from the judgment of a justice to the county court, when the amount in controversy exclusive of interest and costs exceeds the sum of twenty dollars; except that no such appeal shall lie or be granted unless some counsel practicing in the said circuit court, certify, that he is satisfied there is error in law or fact in the said judgment to the prejudice of the party applying for such appeal. If the case involves the validity of an ordinance of the city, or right of city to levy a tax, an appeal shall lie or may be granted without regard to the amount in controversy. In any case in which an appeal is taken or granted on behalf of the city no bond or security can be required. Appeals in cases within the police jurisdiction of court shall be to the circuit court, in what manner, etc. When such appeal not to lie or be granted. Appeals in cases involving the validity of an ordinance, etc., of the town shall lie, etc., without regard to amount, etc., and no bond required.

39. In cases within the civil jurisdiction of said court, appeals, writs of error and *supersedeas* shall be allowed, or

Appeals, etc., within the civil jurisdiction of court shall be to the circuit court; in what manner and subject to what provisions. may be obtained to the circuit court of Cabell county, in the same manner and subject to the same provisions and conditions as appeals, writs of error and *supersedeas* are allowed to the judgments or decrees of the county court of said county.

Judgment creditor; when entitled to *securio* or recover his judgment. 40. Upon every judgment of the municipal court, the judgment creditor shall be entitled to all liens, executions and remedies to secure or recover the same against any person whatsoever, to which he would be entitled if it were a judgment of the circuit court of Cabell county.

Where judgments docketed. Effect of. Judgment rendered by the municipal court may be docketed in the judgment docket kept in the county court clerk's office of any county, in like manner and with like effect as other judgments.

Rules, regulations, etc., governing municipal court. 41. And where not herein otherwise provided said municipal court shall be governed by the same rules, regulations and provisions, where and whenever they are applicable as the circuit court.

Attachments, how issued and served. 42. Attachments and suggestions may be issued by the clerk of said court, under the same regulations and in the same cases as attachments and suggestions are now issued by clerks of the circuit courts, and served by the sheriff in the same manner and with like effect.

Marshal to attend sittings of court. His duties, etc. 43. The marshal of the said city shall attend the sittings of the said court, obey its orders and execute its process and precepts in the same manner as sheriffs are required by law to do in similar cases, and for failure or neglect to perform his duties, he shall be liable to the same penalties and responsibilities as are imposed by law on sheriffs for a like failure of duty.

Penalty for failure or neglect.

Council to submit to the voters the question of approval, etc., of act, when. Council to prescribe rules to govern election, and appoint officers. Majority of voters necessary to approve and make effectual. Council to declare. If majority of voters disapprove, act to have no effect. 44. It shall be lawful for the council of the city of Huntington to submit to the voters of the said city at its next general election the question of approval or disapproval of this act. The said council shall prescribe rules and regulations concerning the said election. And if, at such election, it appear that a majority of the voters of the said city approve of this act it shall be effectual for all the purposes thereof, and the council shall so declare; and if such majority disapprove the same, that fact shall in like manner be declared by said council, and thereafter this act shall have no effect and no action or proceedings shall be had under any other provisions of this act unless and until the vote aforesaid be taken and not then until approved as aforesaid.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XXXIX.

AN ACT to amend and re-enact sections two, three and eighteen of chapter fifty-four of the code, as amended by chapter one hundred and seven of the acts of one thousand eight hundred and seventy-two and three, concerning the incorporation of joint stock companies, without special charters.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That sections two, three and eighteen of chapter fifty-four of the code as amended by chapter one hundred and seven of the acts of one thousand eight hundred and seventy-two and three, be amended and re-enacted so as to read as follows :

Sections amend-
ed.

"2. Such companies may be incorporated for the following purposes :

Joint stock com-
panies without
special charters;
for what pur-
poses they may
be formed.

"I. For manufacturing, mining or insuring.

"II. For constructing and mantaining lines of magnetic telegraph, telephones, lines of piping or tubing for the transportation of oil or other fluids ; and carrying on the business properly pertaining to such works and improvements.

"III. For establishing hotels and spring companies, gas works, water works, cemeteries or homestead and building associations, and transacting the business properly pertaining thereto.

"IV. For universities, colleges, academies, seminaries, schools or institutes for the purpose of teaching any branch or branches of useful information, learning, or promoting religion, morality, military science and the discipline or the diffusion of knowledge, including library companies and literary and scientific associations.

"V. For agricultural and industrial societies, benevolent associations, societies and orders, including orphan, blind and lunatic asylums and hospitals, lodges of Free and Accepted Masons, Independent Order of Odd Fellows, Improved Order of Red Men, Sons of Temperance, Good Templars, Knights of Pythias, and all other associations, societies, and orders of like character.

"VI. For gymnastic purposes.

"VII. For works of internal improvements (other than railroads) and operating the same.

"VIII. For any other purpose or business useful to the

public, for which a firm or co-partnership may be lawfully formed in this state, not embraced in the foregoing clauses.

Companies incorporated under this act for purpose of constructing lines of piping &c., for transportation of oil &c., deemed public companies and common carriers and entitled to rights and privileges &c. as such.

"3. The companies incorporated under this chapter for the purpose of constructing and maintaining lines of magnetic telegraph, telephones, lines of piping or tubing for the transportation of oil or other fluids, and carrying on the business properly pertaining to such works and improvements shall be deemed public companies and common carriers and shall be entitled to all the rights, powers, and privileges, and be subject to all the duties and liabilities contained in the provisions of chapters fifty-two and fifty-three of the code, and of "an act amending certain sections of chapter forty-two of the code of West Virginia for taking lands for public purposes, without the owners' consent," approved December twenty-ninth, one thousand eight hundred and seventy-five. But this chapter shall not be construed to authorize the incorporation of a bank of circulation, 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 re-sell the same at a profit.

What companies cannot be incorporated without special charters.

Fee of secretary of state for certificate. Fees for copy &c. and by whom paid.

"18. The secretary may charge a fee of four dollars for every such certificate issued by him; and for recording the original, or issuing a certified copy, a fee of fifty cents, or in lieu thereof fifteen cents for every hundred words; which fees shall be paid at the time the service is rendered, by the person at whose instance it was done."

Commencement

2. This act shall be in force from its passage.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XL.

AN ACT authorizing the auditor to refund to E. S. Bowne, of Baltimore, Md., one hundred and two dollars and thirty-seven cents, erroneously assessed as a license tax and paid into the state treasury.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

Taxes to be refunded to E. S. Bowne.

1. That the auditor is authorized to refund to E. S. Bowne, of Baltimore, Md., the sum of one hundred and

two dollars and thirty-seven cents, erroneously assessed as a license tax, and paid by said Bowne to the state, for the year one thousand eight hundred and seventy-two.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLI.

AN ACT to amend and re-enact section two of chapter eighty-eight of the acts of one thousand eight hundred and seventy-seven, in relation to Keyser independent school district, in Mineral county.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That section two of chapter eighty-eight of the acts of one thousand eight hundred and seventy-seven, passed March one, one thousand eight hundred and seventy-seven, entitled "an act creating an independent school district in New Creek district, in the county of Mineral," be and the same is hereby amended and re-enacted so as to read as follows:

"2. The board of education of said district shall consist of three commissioners, who shall be elected by the voters residing in said district, and shall be a corporation by the name of "the board of education of the district of Keyser," and by that name 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 shall discharge within the said district all the duties, and possess all the powers and be subject to all the liabilities both of the boards of education and of the trustees of the school district. And all the school property, real and personal, within the boundaries of said school district of Keyser, to which title, whether legal or equitable, was acquired by the board of education of New Creek district, before the creation of said district of Keyser shall be and the same is hereby transferred to and vested in said board of education of the district of Keyser, as fully as if conveyed to said board by said board of education of New Creek

Section amend-
ed.

Board of educa-
tion.
How elected.

Corporate name

Powers and du-
ties of board.

All school prop-
erty within dis-
trict, transfer-
red and vested
in board.

Authority to
discharge, &c.,
of same.

district, and said board may use, control, convey and dispose of the same just as boards of education generally are authorized and empowered to use, control, convey and dispose of the property held by them for school purposes.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLII.

AN ACT changing and fixing the time for holding the circuit courts in the fourth judicial circuit.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

Fourth judicial
circuit, time for
holding courts
in, changed and
fixed.
Hampshire.
Hardy.
Grant.
Pendleton.
Mineral.

1. That the circuit courts for the several counties comprising the fourth judicial circuit shall hereafter commence and be held as follows: For the county of Hampshire on the first Tuesday in March and the first Tuesday in September; for the county of Hardy, on the third Tuesday in March and the third Tuesday in September; for the county of Grant, on the first Tuesday in April and first Tuesday in October; for the county of Pendleton, on the third Wednesday in April and the third Wednesday in October; for the county of Mineral, on the second Tuesday in May and the second Tuesday in November.

inconsistent
acts repealed.

2. That so much of the act approved December twenty-first, one thousand eight hundred seventy-two, entitled "an act to organize the circuit courts, establish their jurisdiction and prescribe the manner and mode of proceeding of said courts," as relates to the times of holding said courts in the fourth judicial circuit is hereby repealed.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLIII.

AN ACT to authorize the auditor to direct sales of certain debts and claims due the state and regulating the mode and manner of such sales, and the disposition of the proceeds.

[Approved March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the auditor may, with the advice and consent of the attorney general, whenever any claim or account of any kind against a sheriff or other officer has been due for more than seven years, and the same is for any reason difficult or expensive to collect, certify a transcript of such claim or account to the sheriff of the county in which the officer from whom the same is due resided at the time his indebtedness to the state was incurred, and may authorize the said sheriff to sell the same as hereinafter directed. Auditor authorized to direct sales of certain debts and claims due the state.
Provided, That any claim or account upon which judgment has been obtained and execution has been returned unsatisfied, may be sold after the expiration of five years from the time the said claim or account was due either in whole or in part as shown by the auditor's books. Proviso as to claims &c., upon which judgments have been obtained and executions returned unsatisfied.

2. The sheriff, after having received a transcript of the account which is to be sold, shall give notice by publication in a newspaper published in his county, if there be one, and by posting at the front door of the court house of the county, for at least four weeks prior to the day of sale, that on the first day of the term of the circuit court next thereafter he will proceed to sell to the highest bidder the claims or accounts mentioned in said notice. Such notice shall show the name of the sheriff or other officer and of his sureties, in case there is evidence of his having executed a bond, the year or years for which he was indebted to the state, upon what account such indebtedness exists, and the amount shown to be due thereon by the auditor's books, exclusive of interest, as well as the amount appearing to be due with interest calculated to day of sale. Sheriff after having received transcript of account to be sold, to give notice; how.
What notice must show.

3. The said sheriff to whom such claim or account is certified under the provisions of this act, shall on the first day of the term of the circuit court of his county, succeeding the publication of said notice, make sale of said claim or account to the highest bidder, and in case the amount bid therefor be less than two hundred dollars, he shall require the payment thereof in cash; and if the amount bid therefor be more than two hundred dollars, he shall require one-third thereof to be paid in cash, and shall receive Duty of sheriff to whom such claim or account is certified.

Notes to have two endorsers.

Prosecuting attorney to certify as to solvency of endorsers.

Report to be made by sheriff after sale. What report must show.

After report is filed, sheriff to post notice of fact and that exception may be filed.

When court may set aside sale and order another sale to be made.

If no exceptions are filed, court to confirm sale. Clerk to certify to auditor copy of report and order of confirmation.

When sheriff to transmit to auditor certificate of deposit for amount received &c.

Duty of Auditor in case of failure of persons to pay notes when due.

Purchaser of such notes or claims substituted to all the rights of the state.

the notes of the purchaser for the residue in two equal installment, payable, respectively, in six and twelve months, with legal interest thereon until paid. Such notes shall have the names of at least two persons signed thereto, as security or endorsers, whom the prosecuting attorney of the county, by endorsement on the back of said notes shall certify, are in his opinion responsible and solvent.

4. Within ten days after making said sale the sheriff shall return and file in the clerk's office of the circuit court of his county a report, showing the name of the officer against whom the claim is, the date of sale, the date and character of the claim sold, the name of the purchaser, the amount for which sold, including cash and notes, and in cases where notes are taken, the names of the securities thereon. Immediately after said report is filed in the clerk's office as aforesaid, the sheriff shall post a notice of that fact at the front door of the court house, and shall state therein that exceptions may be filed to said report with the clerk of the circuit court. If before the first day of the term of the circuit court, beginning after the filing of said report, any person shall file exceptions thereto, and said exceptions shall be accompanied by a bond with two or more good securities, conditioned that if a re-sale be ordered the person who files said exceptions will at the second sale give for the claim or account a sum greater than the amount for which it first sold, and will pay all the cost of advertising and making sale, then the court may in its discretion set such sale aside and order the sheriff to make another sale upon such terms as the court may deem proper.

5. In cases where no exceptions are filed to the report, the court shall confirm the sale, and within twenty days after such confirmation the clerk of the court shall certify to the auditor a copy of said report and the order of confirmation.

6. Within thirty days after the confirmation of said report, the sheriff shall transmit to the auditor a certificate of deposit for the amount received by him in cash, and also any notes which may have been executed for the balance of purchase money.

And in case of the failure of persons who execute such notes to pay the same when due it shall be the duty of the auditor to proceed to enforce the collection thereof, in the same manner that other claims due the state are recovered.

7. The purchaser of any account or claim so sold under the provisions of this act, shall have the same right to recover that the state now has and shall be substituted to all the rights of the state concerning the same. But in case there be any error in any account or claim sold under this act, or it shall appear that the officer against whom

the claim is, is entitled to credits which do not appear upon the account or claim, the purchaser shall not be allowed any claim against the state, by reason thereof. But not allowed any claim against the state for any error &c.

8. The sheriff, for performing the duties required of him by this chapter, shall be allowed five per cent on the first one hundred dollars and two per cent on the residue. The costs of publishing notice in a newspaper shall be paid out of the proceeds of such sale. Compensation of sheriff.
Costs of publishing notices; how paid.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLIV.

AN ACT fixing the times for holding the county courts in the counties of Nicholas and Webster.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the times for the commencement of the terms of the county courts in the counties of Nicholas and Webster, in each year, shall hereafter be as follows: Commencement of terms of the county court in,

In the county of Nicholas, on the fourth Tuesday in February, April, June, August, October and December. Nicholas.

In the county of Webster, on the fourth Tuesday in January, March, May, July, September and November. Webster.

2. Until otherwise ordered by the said respective county courts, the said April, August, October and December terms of said court of Nicholas county, and the said January, March, May and September terms of said court of Webster county, shall be held for the trial of causes and for the transaction of all other business within the jurisdiction of such courts at said terms; and the said February and June terms in Nicholas county, and the said July and November terms in Webster county, shall be limited to matters connected with the police and fiscal affairs of said counties respectively. Trial terms.
Police and fiscal terms.

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

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLV.

AN ACT to provide for the use of convict labor on works of internal improvement companies, including railroad companies and public roads within the limits of this state.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

- Board of public works authorized to provide for the use of convict labor on works of internal improvements, etc. Not to interfere with existing contract. Proviso as to guarding boarding &c. Proviso when convicts are furnished to work on public roads as to boarding, etc.
1. That the board of public works is authorized to furnish to any railroad or internal improvement company or to any county to work on public roads, free of hire, as many able-bodied male convicts from the penitentiary as may now or hereafter be there as can be spared without interfering with contracts heretofore made, to be used by such companies in the construction of their works within this state. *Provided*, That all expenses of guarding, boarding, clothing and medical attendance shall be borne by the company receiving said convicts. *Provided, further*, That when said convicts are furnished to a county to work on public roads the expenses of boarding and medical attendance for guard and convicts shall be paid by such county.
- Company receiving convicts to execute a bond. Conditions of bond. May deposit money in lieu of bond. Board to fix penalty, approve bond, etc.
2. Before receiving said convicts the company so receiving shall execute and file with the treasurer of this state a bond with security conditioned for the boarding, clothing, guarding and medical attendance of said convicts. The said company may, in lieu of said bonds, deposit money or other securities. The bonds with its penalty, or the security deposited in lieu thereof, shall be fixed and approved by the board of public works.
- Clothing of such convicts; by whom done and paid. Who to make requisition for clothing and to distribute the same.
3. The superintendent of the penitentiary shall furnish convicts let under this act, with all necessary clothing of the same character as that furnished other convicts; and the company receiving said convicts shall pay the state the actual cost thereof. The superintendent of the guard shall make requisition for all clothing and distribute the clothing to the convicts.
- Board to appoint supt. of guard.
4. The board of public works shall appoint superintendent of the guard, whose compensation shall be paid

by the company, and the superintendent shall have charge of the guard and shall superintend the same, see that the convicts are properly fed, clothed, guarded and have proper medical attendance, and he shall report to the superintendent of the penitentiary, once a month, the condition and treatment of said convicts. The compensation of the superintendent of the guard shall be agreed upon between the board of public works and the company.

Duties of such superintendent. To report to supt. of penitentiary once a month. Compensation of supt. of guard how determined.

5. Upon proof that such convicts are improperly fed clothed or cruelly treated, the board of public works may cancel any contract made under this act, and recall the convicts.

When and for what board may cancel contract.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLVI.

AN ACT authorizing the auditor to refund to the Bank of Huntington three hundred dollars erroneously assessed, as a license tax and paid into the state treasury.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the auditor is authorized to refund to the Bank of Huntington the sum of three hundred dollars erroneously assessed as license tax and paid by the said bank to the state for the years one thousand eight hundred and seventy-four, five and six.

Auditor to refund \$300.00 erroneously assessed.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XLVII.

AN ACT to authorize the county of Berkeley to fund at a lower rate of interest one hundred and five thousand dollars of its bonds issued on the second day of January, one thousand eight hundred and seventy-one.

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the county of Berkeley is hereby authorized to

County court of Berkeley co. authorized to fund at a lower rate of interest \$15,000.00 of certain bonds.
 In what form and of what denominations coupon bonds to be issued.
 Rate of interest when payable.
 When principal may be demanded of county.
 When county may pay.
 No increase of debt authorized.
 Court may appoint agent to sell such bonds.
 How proceeds applied.
 Agent may exchange such bonds for bonds of 1871.
 Purpose for issuing bonds restricted.

Payment of bonds after expiration of ten years; how amounts determined.
 Bonds ordered to be paid; how designated.
 Notice.
 When interest to cease on bonds selection to be paid.

issue not exceeding one hundred and five thousand dollars coupon bonds of said county, in such form as may be provided for by the county court, and of the denominations of one hundred dollars, five hundred dollars, and one thousand dollars, bearing six per centum interest, payable semi-annually, the principal of which bonds shall not be demandable from said county until the first day of January, one thousand nine hundred and eleven, but the right is reserved to the county, ten years after their issue, at its pleasure, to pay off and discharge the same. But nothing in this act shall be construed to authorize any increase of the bonded debt of said county of Berkeley.

2. That the county court of Berkeley county shall appoint an agent, who shall, after having given such bond as may be required of him by said court, sell and dispose of the bonds issued under this act, at not less than their par value, and apply the proceeds thereof to the payment and the redemption of said bonds issued on the second day of January, one thousand eight hundred and seventy-one, or he may exchange the same for said last mentioned bonds, at their face value, but the bonds hereby authorized shall be issued for no other purpose whatsoever.

3. That the payment of the bonds hereby authorized, after the expiration of ten years, shall be made in amounts to be determined by the said county court at its discretion; the bonds ordered to be paid to be designated by their numbers, and public notice of the time of such intended payment shall be given for four weeks by advertisement in one or more newspapers in said county, and the interest on the particular bonds so selected to be paid, shall cease at the expiration of one month from such notice.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER XLVIII.

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

[Passed March 6, 1879.]

Be it enacted by the Legislature of West Virginia :

Appropriations of public money to pay general charges upon the treasury for fiscal year, 1879.

1. There shall be and is hereby appropriated out of the state fund, for the fiscal year ending September thirtieth, one thousand eight hundred and seventy-nine, the following sums for purposes as follows, viz :

Penitentiary.

For the support of convicts and pay of guards at the penitentiary, ten thousand dollars. Support of convicts and pay of guards.

For heating cell building, two thousand dollars. Heating.

For building main sewer and for paying for right of way not exceeding one thousand dollars. Building sewer and right of way.

For salary of superintendent, one thousand five hundred dollars. Salary of supt.

For salary of clerk, one thousand dollars. Clerk.

For salary of commissary, one thousand dollars. Commissary.

For salary of physician, two hundred and fifty dollars. Physician.

For deficiency in the appropriations for the years one thousand eight hundred and seventy-seven and one thousand eight hundred and seventy-eight, four thousand dollars. Deficiency for years 1877 and 1878.

The foregoing appropriations for the penitentiary are to be drawn from the treasury upon the requisition of the board of directors, addressed to the auditor. How drawn.

Criminal Charges.

For criminal charges such amount is hereby appropriated as may be necessary for the payment thereof, and the auditor is authorized and directed to draw his warrant for every proper charge on that account, which is presented to him for payment. To pay criminal charges. Auditor authorized to pay every proper charge, etc.

Lunatics in Jails.

For the support of lunatics in jails, fifteen thousand dollars. Support lunatics in jails.

Normal Schools.

For expenses of the regents of the normal schools, three hundred and fifty dollars. Expense of regents.

For repairs to normal school building apparatus, furniture and library of Glenville Normal School, three hundred dollars. For repairs to building at

For repairs for normal school building at Glenville, one hundred dollars. Glenville, etc.

For repairs of fence for West Liberty Normal School, one hundred dollars. Fence at West Liberty.

For repairs for Concord Normal School, one hundred and fifty dollars. Concord, repairs for.

For repairs, apparatus and furniture for Shepherd College, three hundred dollars. Sheppard college repairs, etc. for

To pay for fitting up and furnishing the large hall of Fairmont Normal School, four hundred and fifty dollars. Fairmont, for repairs, etc.

For insurance on normal school buildings for three years, four hundred and seventy-five dollars. Insurance.

The foregoing appropriations for the normal schools are to be expended and paid under the order of the board of regents, addressed to the auditor. How paid.

The University.

Expenses of regents.	For expenses of the regents of the West Virginia University, five hundred dollars.
Current and contingent expenses.	For current and contingent expenses of university, three thousand dollars.
Salaries of teachers.	For salaries of teachers at the university, eight thousand five hundred dollars.
Insurance.	For insurance of buildings for three years, six hundred dollars.
Furniture.	For furniture for the university, one thousand dollars.
Painting roof.	For painting tin roofs at the university, two hundred dollars.
Repairs, etc.	For repairs and improvements, five hundred dollars.
How drawn.	To be drawn from the treasury upon orders of the executive committee, addressed to the auditor.

Institution for the Deaf, Dumb and Blind.

To pay current expenses.	For current expenses of the institution for the deaf, dumb and blind, twenty-five thousand dollars.
Transportation.	For transportation of indigent pupils, four hundred dollars.
Insurance.	For insurance for three years, four hundred and fifty dollars.
How drawn.	To be drawn from the treasury upon the orders of the board of directors, addressed to the auditor.

Hospital for the Insane.

To pay current expenses.	For current expenses for the Hospital for the Insane, fifty-five thousand dollars.
Transportation.	For transportation of patients to the hospital, three thousand five hundred dollars.
Repairs, etc.	For repairs, painting, &c., one thousand five hundred dollars.
Protection against fire.	For necessary protection against fire, five hundred dollars.
Ventilation.	To purchase and put into position a ventilating fan, one thousand five hundred dollars.
For land.	For land to be obtained by condemnation, not to exceed three thousand two hundred dollars.
How drawn.	To be drawn from the treasury upon the orders of the board of directors, addressed to the auditor at the beginning of each quarter of the fiscal year.

Contingent Legislative Expenses.

Contingent expenses of Senate.	For contingent expenses of the Senate, to be drawn upon the order of the sergeant-at-arms, three hundred dollars.
How drawn.	For contingent expenses of the House of Delegates, to be drawn upon the order of the sergeant-at-arms, one thousand one hundred dollars.

Executive Department.

For civil contingent fund, eight thousand dollars. Civil contingent fund

For contingent expenses of auditor's office, one thousand eight hundred dollars. Contingent expenses. Auditors office.

For contingent expenses of treasurer's office, three hundred dollars. Treasurer's office.

For contingent expenses of secretary of state's office, six hundred dollars. Secretary of State.

For contingent expenses of attorney general and assistance in attorney general's office, one thousand dollars. Attorney-General.

For contingent expenses of the library, one hundred dollars. Library.

For contingent expenses of the adjutant general's office, five hundred dollars. Adjutant-General.

The foregoing contingent expenses to be drawn upon the requisitions or orders of the officers to whom the fund is allowed. Now drawn.

Salaries of Clerks.

To pay salary of private secretary to the governor, one thousand dollars. Secretary of Governor.

To pay salary of clerk in the office of secretary of state, one thousand dollars. Clerk of secretary of state.

To pay salary of clerk in treasurer's office, one thousand dollars. Of treasurer.

To pay salary of four clerks in auditor's office :

The first clerk to receive, one thousand five hundred dollars. Clerks in auditors office.

The second clerk to receive one thousand one hundred dollars.

The third clerk to receive one thousand dollars.

The fourth clerk to receive one thousand dollars.

For extra clerk hire, one thousand dollars. Extra clerk hire.

To pay salary of clerk in the office of the state superintendents of free schools, to be paid out of the general school fund, one thousand dollars. Clerk of state superintendent of schools.

Judicial Department.

For contingent expenses of courts, two thousand dollars. To pay expenses of courts.

For printing and binding supreme court reports and to pay deficiency in former appropriations, five thousand eight hundred and fifty dollars. Printing, etc., supreme court reports.

Overpaid Taxes.

For refunding over payments made at the treasury on account of taxes, licenses, fines, commissions, &c., two thousand dollars. Refunding overpaid taxes.

To be paid upon such form of vouchers as may be prescribed by the auditor, out of the fund into which the payment was made. Out of what fund paid, etc.

Erroneous Assessments.

Refunding taxes erroneously assessed. Out of what fund paid. For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which the taxes were paid, one thousand dollars.

County and District Taxes.

Refunding county and district taxes. For refunding to counties, county and district taxes, paid into the treasury for the redemption of land, such sum as may be necessary for that purpose.

For refunding to counties, county and district taxes, paid into the treasury by railroad companies, such sum as may be necessary for that purpose.

Public Printing.

To pay public printing, etc., and stationery, etc. For public printing and binding and for supplying stationery, and for deficiency in appropriations therefor for former years, twenty thousand dollars.

For Purchasing Books, &c.

To purchase books for library, cases, etc. and repairs. For purchasing text books and books to complete sets of reports in the state library, five hundred dollars.

For cases, tables and repairs of furniture for state library, two hundred dollars.

Railroad Commissioners.

Pay railroad commissioners. To pay commissioners to assess railroad property, five hundred dollars.

Civil Suits.

Pay expenses of civil suits, etc. To pay expenses of civil suits and for commissioners of state agents, two thousand dollars.

State Board of Examiners.

To pay expenses board examiners. To pay state board of examiners (to be paid out of the general school fund), three hundred and seventy-four dollars and seventy cents.

Railroad Committee.

To pay expenses of railroad committee. How paid. To pay expenses of members of the committee appointed to inquire into the charges for freights and travel on the Baltimore and Ohio railroad, and to pay the contingent expenses incurred by the committee (to be drawn on the order of the chairman) three hundred dollars.

Fish Commissioners.

To pay for land purchased. To pay expenses of commission. How drawn. To pay for land purchased by fish commissioners upon which to erect a hatchery, seven hundred dollars.
To pay expenses of fish commissioners, one thousand dollars.

The foregoing appropriations to be drawn upon the order of the president of the commission.

Vaccine Agents.

To pay salaries of vaccine agents and to cover deficiency in former appropriations, three hundred dollars. To pay vaccine agents. How drawn.
 To be drawn upon the order of the governor.

Insurance.

To pay insurance on capitol building in Wheeling for three years, five hundred and twenty-five dollars. To pay insurance on capitol building, Wheeling.

To pay insurance on state house at Charleston already due and to provide three years additional insurance, six hundred and seventy-five dollars. On state house at Charleston.

For insurance on state library for three years, one hundred and fifty dollars. On state library.

The foregoing appropriations for insurance to be drawn upon the order of the board of public works. How drawn.

Interest.

To pay interest on bonds held by the board of the school fund, ten thousand six hundred and eleven dollars. To pay interest on bonds.

A. H. Sheppard and Others.

To pay A. H. Sheppard for cases made for the use of the clerk of the house of delegates, one hundred dollars. To pay A. H. Sheppard.

To pay E. L. Bill, J. C. Baker, and W. P. Adams, deficiency in the appropriation for clerk hire in the auditor's office for the year ending September thirtieth, one thousand eight hundred and seventy-seven, to be drawn on the order of the auditor, one hundred and eighty-three dollars and fifty-three cents. To pay E. L. Bill, J. C. Baker and W. P. Adams.

Tobacco Warehouses.

To pay W. N. Chancellor, rent of tobacco warehouse at Parkersburg, one thousand and fifty-six dollars and twenty-five cents. To pay rent for warehouse at Parkersburg.

To pay E. P. Chancellor, inspector at Parkersburg, five hundred and eighty-one dollars and fifty-four cents. To inspector.

To pay P. H. McCullough for services as inspector at Huntington, four hundred and fifty-nine dollars. To pay inspector at Huntington.

To pay P. H. McCullough for services as superintendent of warehouse, five hundred and fifty dollars. To pay superintendent.

For salary of first screwman at warehouse at Huntington, one hundred and fifty dollars. To pay salary of screwman.

For rent of warehouse at Huntington, seven hundred and ninety-one dollars. To pay rent of warehouse, Huntington.

To be paid upon the order of the board of public works. *Provided,* That no part of the foregoing appropriations for rents of warehouses and salaries of officers shall be applied except to pay such rents and services as are now due. How paid. How appropriations to be applied.

2. There shall be and is hereby appropriated, out of the

Appropriations to pay general charges upon treasury for 1880. state fund for the fiscal year ending September thirtieth, one thousand eight hundred and eighty, the following sums for the purposes following, viz:

Penitentiary.

To pay guards and support convicts. For pay of guards and support of convicts at the penitentiary, ten thousand dollars.

Salary of superintendent. To pay salary of the superintendent, one thousand five hundred dollars.

Of clerk. To pay salary of the clerk, one thousand dollars.

Commissary. To pay salary of the commissary, one thousand dollars.

Physician. To pay salary of physician not exceeding two hundred and fifty dollars.

How drawn: The foregoing appropriations to be drawn from the treasury upon the order of the board of directors of the penitentiary, addressed to the auditor.

Criminal Charges.

To pay criminal charges. Auditor to pay every proper charge, etc. For criminal charges such amount is hereby appropriated as may be necessary for the payment thereof; and the auditor is authorized and directed to draw his warrant for every proper charge on that account which is presented to him for payment.

Lunatics in Jails.

To pay expenses lunatics in jails. For the expenses of lunatics in jails, eighteen thousand dollars.

West Virginia University.

To pay expenses of regents. For expenses of the regents of the university, five hundred dollars.

Current and contingent expenses. For current and contingent expenses of the university, three thousand dollars.

To pay teachers. For pay of teachers, six thousand six hundred dollars.

Library. For the university library, five hundred dollars.

How drawn. The foregoing appropriations for the university to be drawn from the treasury upon the order of the executive committee.

Institution for the Deaf, Dumb and Blind.

To pay current expenses. For current expenses of the institution for the deaf, dumb and blind, twenty-five thousand dollars.

Transportation. For transportation of indigent pupils to the institution, four hundred dollars.

How drawn. The foregoing appropriations for the institution for the deaf, dumb and blind, to be drawn from the treasury upon the orders of the board of directors, addressed to the auditor.

Hospital for the Insane.

To pay current expenses. For current expenses of the hospital for the insane at Weston, fifty-five thousand dollars.

For transportation of patients, three thousand five hundred dollars. Transportation.

For insurance for three years, one thousand five hundred dollars. Insurance.

The foregoing appropriations for the hospital for the insane to be drawn from the treasury at the beginning of each quarter of the fiscal year, upon orders of the board of directors, addressed to the auditor. How and when drawn.

Executive Department.

For civil contingent fund, eight thousand dollars. Civil contingent fund.

For contingent expenses of treasurer's office, three hundred dollars. To pay contingent expenses of treasurer's office.

For contingent expenses of auditor's office, one thousand eight hundred dollars. Auditor's office.

For contingent expenses of secretary of state's office, six hundred dollars. Office of secretary of state.

For contingent expenses of attorney general and assistance in office, one thousand dollars. Attorney-General's office.

For contingent expenses of the library, one hundred dollars. Library.

For contingent expenses of the adjutant general's office, five hundred dollars. Adjutant-General.

The foregoing contingent expenses to be drawn upon the requisition of the officer to whom the fund is allowed. How drawn.

Salaries of Clerks.

To pay salary of private secretary to the governor, one thousand dollars. Secretary of Governor.

To pay salary of clerk in the office of secretary of state, one thousand dollars. Clerk secretary of state.

To pay salary of clerk in the treasurer's office, one thousand dollars. Clerk of treasurer.

To pay salaries of four clerks in auditor's office: Clerks of Auditor.

The first clerk to receive one thousand five hundred dollars.

The second clerk to receive one thousand, one hundred dollars.

The third clerk to receive one thousand dollars.

The fourth clerk to receive one thousand dollars.

Extra clerk hire, one thousand dollars. Extra clerk hire.

To pay salary of clerk in the office of the state superintendent of free schools, to be paid out of the general school fund, one thousand dollars. Clerk state superintendent of schools.

The foregoing amounts appropriated for salaries of clerks to be drawn upon accounts approved by the officers in whose offices the several clerks are employed. How drawn.

Judicial Department.

For contingent expenses of courts, two thousand dollars. To pay contingent expenses of courts.

For printing and binding supreme court reports, three thousand six hundred dollars. Printing, etc. reports.

Overpaid Taxes.

To refund overpaid taxes, etc. For refunding overpayments to the treasury on account of taxes, licenses, fines, commissions, etc., to be paid upon such forms of vouchers as may be prescribed by the auditor, two thousand dollars.

Erroneous Assessments.

To refund taxes erroneously assessed, etc. For refunding taxes erroneously assessed, collected and paid into the treasury, to be paid out of the fund into which it has been paid, one thousand dollars.

County and District Taxes.

To refund county and district taxes. For refunding to counties, county and district taxes paid into the treasury, for the redemption of land, such amount as may be necessary for that purpose.

For refunding to counties, county and district taxes, paid into the treasury by railroad companies, such amount as may be necessary for that purpose.

Public Printing.

To pay printing, etc. and for stationary. For public printing and binding, and for supplying stationery and printing paper for state use, fifteen thousand dollars.

Library.

Books for library. For purchasing books for state library, five hundred dollars.

Railroad Commissioners.

To pay commissioners to assess railroad property. To pay commissioners to assess railroad property, five hundred dollars.

Civil Suits.

Expenses of civil suits, etc. To pay expenses of civil suits and commissions of state agents, two thousand dollars.

Fish Commissioners.

Expenses fish commissioners. To pay expenses of fish commissioners, to be drawn upon the order of the president of the commissioners, one thousand dollars.

Vaccine Agents.

Vaccine agents. To pay salaries of three vaccine agents, to be drawn upon the order of the governor, one hundred and fifty dollars.

Interest.

To pay interest on money borrowed of the board of the school fund, four thousand seven hundred and fifty-eight dollars.

To pay interest on money borrowed.

Be it further enacted, That no sums of money shall be paid out of the treasury during the fiscal years ending respectively on the thirtieth day of September, one thousand eight hundred and seventy-nine, and the thirtieth day of September, one thousand eight hundred and eighty, beyond the amounts hereby appropriated, unless the same be provided for by the constitution or some general law. But in addition to the sums hereby appropriated for said fiscal years, the auditor may, after the expiration of said fiscal year ending on the thirtieth day of September, one thousand eight hundred and eighty, and during the first six months of the fiscal year beginning on the first day of October, one thousand eight hundred and eighty, make payments to the following institutions, officers and persons, upon proper vouchers, of sums of money not exceeding in the aggregate one-half the amount appropriated for the same purposes for the fiscal year ending September thirtieth, one thousand eight hundred and eighty, that is to say: for the support of convicts and pay of guards at the penitentiary; for the support of lunatics in jail; for pay of teachers at the university; for current expenses of the institution for the deaf, dumb and blind; for current expenses of the hospital for the insane; for contingent expenses of the different executive officers, and of the library and adjutant general; for pay of clerks in the executive offices; for printing and binding supreme court reports; for refunding overpaid taxes and taxes erroneously assessed; and for public printing. And during the said six months the auditor may pay all proper charges for criminal expenses, and for refunding to counties and districts taxes for county and district purposes, upon lands redeemed at the auditor's office, and also taxes assessed against railroads for county and district purposes, which may be presented to him for payment.

No money to be paid beyond amounts appropriated, unless, etc.

Auditor authorized during the first six months of fiscal year beginning 1st Oct. 1880, to make payments to certain institutions, officers, etc. in addition to the sums hereby appropriated.

3. Every appropriation, or so much thereof as may remain undrawn at the end of three years after the passage of the act by which such appropriation was made, shall be deemed to have expired, and no warrant shall thereafter be issued upon it.

When appropriations, or so much as remain undrawn, deemed to have expired, and no warrant shall be issued therefor.

[Approved, March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER XLIX.

AN ACT providing for the submission of the proposed amendment of article eight of the constitution of the state to the voters thereof for ratification or rejection, and for the election of certain officers thereunder.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia :

Amendment to art. 8. of constitution, when to be submitted for ratification or rejection.

Voting to be by ballot. What must be written or printed on ballots.

For what ballots not to be rejected.

How election to be superintended, conducted, etc.

Provisions of law relating to general elections to apply as far as applicable, except, etc.

Two certificates of result of election at every place of voting to be signed; by whom. Form of such certificate.

1. That the question of the ratification or rejection of the proposed amendment of article eight of the constitution of the state, contained in the joint resolution of the legislature adopted on the sixth day of March, one thousand eight hundred and seventy-nine, shall be submitted to the voters of the state at the next general election to be held in the year one thousand eight hundred and eighty.

2. The voting upon said question shall be by ballot and those voting for said amendment shall have written or printed on their ballots, the words "constitutional amendment, article eight, for ratification," and those voting against said amendment, shall have written or printed on their ballots the words "constitutional amendment, article eight, for rejection;" but no ballot shall be rejected in ascertaining the result of said election at any place of voting because all of the said words are not written or printed thereon, if it sufficiently appear what the voter intended. The said election at each place of voting shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of members of the legislature is superintended, conducted and returned, and the result ascertained at said election. And all the provisions of the law relating to general elections as far as applicable, shall apply to the election held under the provisions of this act, except where it is herein otherwise provided.

3. When the result of said election at every place of voting is ascertained as aforesaid, the commissioners and conductor, or any two of them, shall sign two certificates of the result thereof to the following effect :

"We, the undersigned, who acted as commissioners (or commissioners or conductor as the case may be) of the election held at —, in the district of —, in the county of —, on the — day of —, one thousand eight hundred and eighty, upon the question of the ratification or rejection of the proposed constitutional amendment of article eight, do hereby certify that the result of said election is as follows: For ratification, — votes; for rejection,

tion, — votes. Given under our bands this — day of —, one thousand eight hundred and eighty.”

The said two certificates shall correspond with each other in all respects, and contain the full and true returns of said election at each place of voting on said question.

Certificate must correspond. What to contain

The said commissioners, or one of them, or said conductor, shall, within four days, including Sundays, after that on which said election was held, deliver one of said certificates to the clerk of the county court and the other to the clerk of the circuit court of the county.

When, by whom and to whom such certificates to be delivered.

4. The said certificates shall be laid before the commissioners appointed to conduct the election at the court house, at the same time the ballots, poll books and certificates of the election for members of the legislature are laid before them; and as soon as the results of said election in the county upon the question of ratification or rejection is ascertained, two certificates of such result shall be made out and signed by said commissioners in the form or to the effect following: “We, the undersigned, appointed as commissioners to superintend the election held at the court house of the county of —, on the — day of —, do hereby certify that the result of said election in said county on the question of the ratification or rejection of the proposed amendment of article eight of the constitution of the state is as follows: For ratification, — votes; and for rejection, — votes. Given under our hands this — day of —, one thousand eight hundred and eighty,” one of which shall be filed in the office of the clerk of the county court, and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained, as herein after stated.

When and before whom such certificates to be laid.

Two certificates of result: each county to be made out and signed; by whom. Form of such certificate.

How such certificates to be disposed of. Duty of secretary of state as to the certificate sent him.

5. On the twenty-fifth day after said election is held, or as soon thereafter as practicable, the said certificate shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation, published in some one or more newspapers printed at the seat of government. If a majority of the votes cast at said election be for ratification, the said proposed amendment shall be in force and effect from the time of such ratification, and be part and parcel of the constitution of the state, in the place of article eight, as it now stands.

When certificate to be laid before the Governor.

Duty of the Governor in ascertaining and declaring the result.

Majority vote to ratify.

When to be in force and effect.

6. It shall be the duty of the governor to cause the said proposed amendment to be published at least three months before the said election in some newspaper in every county in the state, in which a newspaper is printed, the expenses of which shall be paid out of the contingent fund.

Governor to have proposed amendment published; when and how. Expenses of publication; how paid.

Circuit judges,
when and how
voted for.

What must be
written or
printed on bal-
lot of person
voting for judge.
Special provis-
ions as to first
circuit.
How election
conducted, etc.
and result as-
certained and
certified.
Duty of Govern-
or as to issu-
ing commis-
sions to judges if
amendment be
ratified or if re-
jected.

Commissioners,
three to be el-
ected in each
county, when.
How such elec-
tion to be con-
ducted, etc., re-
sult ascertained
and returns
made.

Terms of offi-
cers elected,
when to com-
mence.

7. On the same day and under the superintendence of the same officers, an election shall be held for judges of the judicial circuits as presented in said proposed amendment to article eight, as well as for the judicial circuits now prescribed in the constitution. The person voting for judge shall designate the circuit by having written or printed on his ballot, "for judge of old circuit" and "for judge of new circuit." But in the first circuit the person shall designate the circuit by having written or printed on his ballot, "for judge of old circuit" and "for judges of new circuit." Such election shall be conducted and the result thereof ascertained, determined and certified according to the provisions and requirements of existing laws for the election of judges of the circuit courts. Should the said proposed amendment be ratified, the governor shall issue commissions to the persons who from the returns appear to have been elected judges of the new judicial circuits, respectively; and if the said proposed amendment be rejected, he shall issue commissions to the persons who from the returns appear to have been elected judges of the old judicial circuits, respectively, as now provided by law.

8. And on the day on which said proposed amendment of article eight is submitted to the voters of the state for ratification or rejection, the voters of each county of the state shall elect therein three commissioners as provided for in sections twenty-two and twenty-three of the said proposed amendment. Such election shall be conducted and superintended by the same officers and in the same manner as provided for in section seven of this act, and the certificate and returns shall be made and the result ascertained in the same manner as is now prescribed by law for the election, certificates and returns of county officers.

9. If said proposed amendment shall be ratified the terms of the officers whose election is provided for in this act, shall commence on the first day of January, one thousand eight hundred and eighty-one.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER L.

AN ACT providing for the submission of the proposed amendment of section thirteen of article three of the constitution of the state, to the voters thereof, for ratification or rejection.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the question of the ratification or rejection of the proposed amendment of section thirteen of article three of the constitution of the state contained in the joint resolution of the legislature, adopted on the seventh day of March, one thousand eight hundred and seventy-nine, shall be submitted to the voters of the state at the next general election to be held in the year one thousand eight hundred and eighty.

Amendment to section thirteen, article three of the Constitution submitted for ratification or rejection; when

2. The voting upon said question shall be by ballot, and those voting for said amendment shall have written or printed on their ballots the words "constitutional amendment, section thirteen, article three, for ratification; and those voting against said amendment shall have written or printed on their ballots the words "constitutional amendment, section thirteen, article three, for rejection," but no ballot shall be rejected in ascertaining the result of said election at any place of voting, because all of the said words are not written or printed thereon if it sufficiently appear what the voter intended.

How voting to be. What ballots for and against must have written on them. For what ballots must not be rejected.

The said election at each place of voting shall be superintended, conducted and returned, and the result thereof ascertained by the same officers and in the same manner as the election of members of the legislature is superintended, conducted and returned and the result ascertained at said election, and all the provisions of the law relating to general elections as far as applicable shall apply to the election held under the provisions of this act, except where it is herein otherwise provided.

How such election to be superintended and returned and the result ascertained, etc. Provisions of law governing general elections to apply, except, etc.

3. When the result of said election at every place of voting is ascertained as aforesaid the commissioners and conductor, or any two of them, shall sign two certificates of the result thereof to the following effect: "We, the undersigned, who acted as commissioners, (or commissioner or conductor as the case may be) of the election held at _____, in the district of _____, in the county of _____, on the _____ day of _____, one thousand eight hundred and eighty, upon the question of the ratification or rejection of the proposed constitutional amendment to section thirteen of article three, do hereby certify that the result of said election is as follows: For ratification _____ votes; for re-

Result at every place of voting; two certificates to be signed; by whom. Form of certificate.

Certificates to correspond. What to contain. When, by whom and to whom such certificates to be delivered.

jection — votes. Given under our hand this — day of —, one thousand eight hundred and eighty. The said two certificates shall correspond with each other in all respects and contain the full and true returns of said election at each place of voting on said question. The said commissioners, or one of them, or said conductor, shall within four days, including Sundays, after that on which said election was held, deliver one of said certificates to the clerk of the county court and the other to the clerk of the circuit court of the county.

Before whom said certificates to be laid and when.

Result of election in each county. Two certificates of such result to be made out and signed; by whom. Form of such certificates. Where filed.

4. The said certificates shall be laid before the commissioners appointed to conduct the election at the court house at the same time the ballots, poll-books and certificates of the election for members of the legislature are laid before them; and as soon as the result of said election in the county upon the question of ratification or rejection is ascertained two certificates of such result shall be made out and signed by said commissioners in the form or to the effect following: "We, the undersigned, appointed as commissioners to superintend the election, held at the court house of the county of —, on the — day of —, do hereby certify that the result of said election in said county on the question of ratification or rejection of the proposed amendment to section thirteen of article three of the constitution of the state is as follows: For ratification — votes —; for rejection — votes. Given under our hands this — day of —, one thousand eight hundred and eighty." One of which shall be filed in the office of the clerk of the county court and the other forwarded by mail to the secretary of state, who shall file and preserve the same until the day on which the result of said election in the state is to be ascertained as hereinafter stated.

Duty of secretary of state as to certificate filed in his office.

When certificate to be laid before Governor. His duty as to ascertaining and declaring result.

Majority vote to ratify.

5. On the twenty-fifth day after said election is held, or as soon thereafter as is practicable, the said certificates shall be laid before the governor, whose duty it shall be to ascertain therefrom the result of said election in the state, and declare the same by proclamation published in some one or more newspapers printed at the seat of government. If a majority of the votes cast at said election be for ratification, the said proposed amendment shall be of force and effect from the time of such ratification, and be part and parcel of the constitution of the state in the place of section thirteen of article three as it now stands.

If ratified, when to take effect, etc. Governor to have proposed amendment published; when and how. Expenses of publication; how paid.

6. It shall be the duty of the governor to cause the said proposed amendment to be published at least three months before the said election in some newspaper in every county in the state in which a newspaper is printed, the expenses of which shall be paid out of the contingent fund.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LI.

AN ACT making an appropriation for the state normal school and its branches, for the year ending in one thousand eight hundred and seventy-nine, and providing the manner in which the same shall be paid.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the principals of the state normal school and its several branches, shall make, at the close of each session thereof, to the president of the board of regents, in addition to the annual reports required of them, a report, under oath, of the number of non-paying normal pupils and the number of paying pupils in the several departments of the school in actual monthly attendance during said session.

Reports principals of normal schools to make to president of board of regents in addition to annual reports; when. What such reports to contain.

2. That the president of the board of regents of the normal school, upon the receipt of the reports required in the first section of this act, shall furnish the auditor of the state with the number of non-paying normal pupils in actual monthly attendance in each of the said normal schools, and the number of months of actual attendance; upon the receipt of which report, and on requisition of the president of the board of regents, the said auditor shall issue to the "executive committee" of each of said schools, warrants upon the treasury of the state for the amount due said schools, at the rate of three dollars and fifty cents per month for every non-paying normal pupil reported as in monthly attendance, which said sum shall include tuition and the use of books and apparatus; that the amount so appropriated to the said normal school and its branches shall be apportioned to the said normal school and its branches, according to the number of non-paying normal students attending the said normal school and its branches respectively.

Duty of president of board of regents upon receipt of such report. What report to auditor must show. Duty of auditor upon receipt of such report and on requisition of president of board of regents.

How amount appropriated to be apportioned.

3. That the sum of ten thousand and sixty-two dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the support of the normal school and its branches for the school

Amount appropriated for support of normal schools.

For what year. How paid. year ending in one thousand eight hundred and seventy-nine, to be paid by the auditor of the state, as provided in section two of this act.

When appropriation to revert to state. State not liable for any expenses incurred for support, etc. of any normal school after end of school year, 1879. 4. All moneys appropriated by the preceding section and not drawn as provided for in the second section of this act, before the end of the school year one thousand eight hundred and seventy-nine, shall revert to the state, and the state shall not be deemed liable for any expenses incurred for the support or maintenance of such normal school or any of the branches thereof after the end of the school year one thousand eight hundred and seventy-nine.

Inconsistent acts repealed. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 7, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LII.

AN ACT providing for reviews and rehearings in the supreme court of appeals of causes decided at the special term held in the city of Wheeling in the months of October, November and December, one thousand eight hundred and seventy-eight.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia:

Reviews and rehearing provided for in the supreme court of certain causes. 1. That the supreme court of appeals, at the regular term to be held in the city of Wheeling in June, one thousand eight hundred and seventy-nine, may review and rehear any cases decided by said court at the special term held in the city of Wheeling in the months of October, November and December, one thousand eight hundred and seventy-eight, so far as to allow the correction of any clerical error in any decree or judgment pronounced by said court, or where the court, on its own motion, may desire to rehear and correct such decree or judgment.

No argument unless requested by court. But no argument, either written, printed or oral, shall be heard unless requested by the court.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LIII.

AN ACT to amend and re-enact chapter forty-six of the acts of one thousand eight hundred and seventy-seven, entitled "an act to amend and re-enact section twenty-three of an act passed February twenty-four, one thousand eight hundred and sixty-five, entitled 'an act to establish a court of limited jurisdiction in the city of Wheeling.' "

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That chapter forty-six of the acts of one thousand eight hundred and seventy seven, entitled "an act to amend and re-enact section twenty-three of an act passed February twenty-four, one thousand eight hundred and sixty-five, entitled 'an act to establish a court of limited jurisdiction in the city of Wheeling,' " be and the same is hereby amended and re-enacted so as to read as follows :

Chapter 46, act
1877, amended

"23. For services performed by him, by virtue of his office, in relation to the police jurisdiction of said court, the clerk thereof may charge the same fees as a justice is now entitled to receive for similar services; and in other cases the same fees as the clerk of the circuit court is now entitled to receive for similar services. It shall be lawful for the council of the city to prescribe by ordinance such compensation or salary as they may deem reasonable for the clerk of said court, in lieu of any fees which would otherwise accrue to said clerk from cases within the police jurisdiction of the said court after the first day of June, one thousand eight hundred and seventy-nine; and in such case the sergeant or his deputies shall collect the said fees, but shall account for and pay over the same to the treasurer of the city."

Clerk of municipal court of Wheeling; his fees.

Council of city may prescribe by ordinance a salary, etc. in lieu of fees. In such case, who to collect such fees and how accounted for.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LIV.

AN ACT to amend and re-enact section thirty of chapter one hundred and ninety-four of the acts of one thousand eight hundred and seventy-two and three, entitled "an act to provide for opening and keeping in repair the county roads."

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That section thirty of chapter one hundred and ninety-four of the acts of one thousand eight hundred and seventy-two and three, entitled "an act for opening and keeping in repair the county roads," be amended and re-enacted so as to read as follows:

When and how roads, or landings discontinued. Notice in such cases. Proceedings upon petitions. Report of viewers. No postroad to be discontinued until another has been established.

To apply to turnpike roads transferred to counties.

"30. The county court of a county may upon petition, direct any county road or landing therein to be discontinued; but notice of every such petition must be given three weeks at least before it is acted upon by posting copies of such notice at the front door of the court house and at three other public places in every district in which any part of the said road or landing may be. Upon such petition after notice is given as aforesaid, the county court shall appoint two or more viewers or a committee of their own body, to view such road or landing and report in writing whether in their opinion any, and if any, what inconvenience would result from discontinuing the same. Upon such report and other evidence, if any, the court may discontinue the road or landing; taking care in every case of an established postroad not to discontinue the same until another has been established. And this section shall apply as well to turnpike roads which have been or may hereafter be transferred to any county by the state as to other county roads."

[Approved March 8, 1870.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LV.

AN ACT authorizing the counties of Brooke and Ohio to fund the bonded debt of said counties now due or to become due.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful for the county court of Brooke county and the board of commissioners of Ohio county to issue new bonds or evidences of indebtedness, in lieu of any now outstanding bearing an annual rate of interest designated by coupons attached thereto, said coupon bonds bearing a rate of interest not to exceed six per centum per annum, said interest payable semi-annually; which said new bonds or certificates of indebtedness shall be made payable in not less than two years nor more than twenty years from their date, at the option of the fiscal tribunal of such county or counties as may issue them, and at the like option may be made payable to the bearer or to the order of any person or corporation, and in such denominations or sums as said fiscal tribunal shall deem proper, and the same shall be signed by the president and attested by the clerk of said tribunal, which said bonds or certificates may be sold at their full value, and the accrued interest, if any, to be added as part of said value, by such agent or agents as may be designated by said tribunal, and the proceeds thereof, as received, shall be applied to the redemption of the bonds and contracts aforesaid.

Brooke and Ohio counties authorized to fund bonded debt now due or to become due.
Interest.
When new bonds payable.
To whom made payable.
In what sums.
How signed and attested.
May be sold at full value.

Accrued interest to be added as part of value.
Proceeds, how applied.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVI.

AN ACT to regulate the prices of class books used in the free schools of the state.

[Passed March 7, 1870.]

Be it enacted by the Legislature of West Virginia :

1. It shall be the duty of the state superintendent of free schools on or before the first day of July, one thousand

Duty of state superintendent of schools as to regulating the price of class books used in free schools.

Provide as to adequate quantities, quality of paper, binding, etc.

Copies to be deposited in office of state superintendent.

Books to be sold at a special retail price, not to exceed, etc.

Provide as to merchants, etc. who may desire to purchase class books and as to agents. What discount publishers to allow to dealers, etc.

Further provide as to price to be charged by publishers.

Publishers to execute bond; when and to whom. Penalty of bond. Condition of bond and how made payable. How and when suit brought on such bond.

How moneys so recovered disposed of.

Failure of publishers of class books now in use, etc., to comply with provisions of this act. What then.

eight hundred and seventy-nine, to solicit and receive proposals from the several publishers of the class books described in section fifty-eight of the school law of the state, (including those used in the independent school districts and the normal school and its branches) and used in the free schools of the state, and to contract with said publishers to furnish their said publications for the supply and use of the schools aforesaid. *Provided*, Said publishers shall agree to furnish said described class books in adequate quantities for the supply of the said schools, and in quality of paper, typography, and binding, equal to the samples contracted for; copies of which shall be deposited by said publishers in the office of the state superintendent of free schools, and that said publishers shall agree and contract that their said publications as described and now used in the schools of the state shall be sold to the pupils or patrons of the schools throughout the state, at a special retail price not to exceed the wholesale price now established, or any reduced wholesale price that may be hereafter established by said publisher, or by other publishers of similar and equally suitable books upon the same subject, for the sale of their respective publications. *And provided further*, That said publishers shall agree to furnish to any merchant or dealer who may desire to purchase and to agents in each county of the state, their said described publications for cash, or its equivalent, at a discount of not less than sixteen and two-thirds per cent. from the regular wholesale price now established, or any reduced wholesale price which may be hereafter established as aforesaid for the sale of such class books. *And provided further*, That the price of such books shall not exceed the lowest wholesale price charged by the publishers to any other state, firm or person.

2. The several publishers of the said described school books, shall, on or before the first day of July, one thousand eight hundred and seventy-nine, execute and file with the state superintendent of free schools, a bond in the penalty of ten thousand dollars payable to the state of West Virginia, conditioned for the faithful performance of the contract, and agreement made in pursuance of this act, and upon a breach of any of the conditions of such bond, the state superintendent shall, in the name of the state, institute suit thereon to recover the same. All moneys so recovered, after payment of the costs of such proceedings, shall be paid into the general school fund and be distributed with it as is provided by law.

3. If any of the publishers of said class books now in use, or adopted as hereinafter provided, shall fail or refuse, on or before the first day of July, one thousand eight hundred and seventy-nine, to agree and contract to furnish for a period of five years from such date their respective publications as required for use in the schools of the state, on

the terms and conditions imposed in this act, or shall fail or refuse to execute and file the bond required in section two of this act, then it shall be the duty of the state superintendent of free schools to solicit proposals from other publishers for the supply of other books required to complete the list of class books for the use of the schools of the state, and from the books so offered he shall select the book or books best adapted, in his judgment, to be used in said schools. *Provided*, That the publishers of the same shall agree and contract to furnish said book or books upon the same terms and conditions imposed in sections one and two of this act. And to exchange the books that may be in use at the time such agreement or contract is made for the books selected in lieu thereof, upon such terms as may be provided by the state superintendent of free schools, which exchange price shall not be more than one-half of the retail price agreed upon for such new book or books.

Duty of state superintendent as to soliciting proposals from other publishers etc.

Proviso as to terms and conditions of agreement with such other publisher, and as to the exchange of books now in use for books selected in lieu thereof.

4. The state superintendent of free schools shall, in all contracts made with the publishers, require said publishers to publish for the information of county superintendents, boards of education, and for general circulation, the full schedule of the contract prices agreed upon, specifying the retail price to the pupils and patrons of the schools, and the special wholesale price to such merchants, agents and dealers, of each book prescribed for use in the said schools; and each county superintendent shall cause to be posted in each school house in his county, and at each place where such books are sold, the schedule of contract retail prices of school books, for the information of the general public. And it shall be the duty of any publisher furnishing books under this act, to print in letters on the outside of the back of each of such books the retail price thereof.

Publishers to publish schedule of prices agreed upon. What such schedule to specify. Duty of county superintendent as to such schedule. Retail price to be printed on back of books.

5. If any retail dealer, engaged in the sale of any of said books, shall charge and receive therefor a greater sum than the retail price so published, he shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined not less than five dollars nor more than twenty dollars for each offense.

Any retail dealer charging a greater sum than the retail price so published, deemed guilty of a misdemeanor. Penalty.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVII.

AN ACT to amend and re-enact section two, of chapter seventeen, of the code of West Virginia.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

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

Section 2 of chapter 17 of code, amended. Payments of money into the treasury; how made, etc. Duty of auditor as to certificates of deposits. Duty of treasurer in relation to receipts.

" 2. All payments shall be 'to the credit of the treasury of West Virginia,' and the person making a payment shall take a certificate of deposit from the proper officer of some bank, designated a state depository, and present the same to the auditor, who shall, by endorsement thereon, direct upon what account or accounts the treasurer shall receipt for the payment; and if on more than one account, he shall direct what amount is to be credited on each. Upon presentation to him of such certificate, the treasurer shall retain and file the same, charging the amount specified therein to the proper bank, and shall deliver to the auditor a receipt, in duplicate, for the amount, stating the amount to be credited on each account, according to the direction of the auditor, endorsed on the certificates.

Duty of auditor as to original receipt and duplicate. Receipt of treasurer not be a discharge, unless ordered by auditor, etc. Payment of money into the treasury otherwise than according to this chapter, to be no discharge, etc.

"The auditor shall endorse on the original receipt as follows: 'A duplicate hereof has been filed in the auditor's office,' and affix his signature and the proper date of such endorsement, which original receipt he shall then deliver to the person presenting the certificate of deposit, and retain and file the duplicate in his office, and charge the amount thereof to the treasurer's account. And no receipt of the treasurer shall be an acquittance or discharge to any person for any sum of money due this state, unless ordered by the auditor as aforesaid, and any person liable to pay money into the treasury, who shall pay the same otherwise than according to this chapter, shall remain liable for such money, and be subject to the same fine, penalty, forfeiture or damages to which he would have been subject if he had not paid the same."

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LVIII.

AN ACT imposing a penalty upon persons who transact the business of insurance without authority.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. No officer or agent of a foreign insurance company shall make, renew or negotiate, in this state, any insurance or contract for insurance, on behalf of such company, or transact any business for such company, directly or indirectly, without first obtaining the auditor's certificate of authority, as required by law ; and this applies to all persons engaged in any manner in soliciting risks, issuing or obtaining the issue of policies, selling tickets of insurance, or otherwise doing business of insurance, either by direct appointment from a company or as such agent. Any officer or agent violating the provisions of this section shall be fined fifty dollars for each offense.

Persons prohibited from transacting business of insurance without authority. Penalty imposed.

2. Section four of chapter two hundred and twenty-one of the acts of one thousand eight hundred and seventy-two and three, and all acts and parts of acts inconsistent with this act are hereby repealed.

Section 4 of chapter 221, acts 1872-3 and all inconsistent acts repealed.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATEL.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LIX.

AN ACT to establish a county court and a board of commissioners for the county of Mason, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia, in lieu of the present county court of said county.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. In the county of Mason the county court shall be held

County court of
Mason county,
to be held by
a judge.
How commis-
sioned and
when.
His salary.
How paid.
His term of
office, except,
etc.
When elected.
When term of
office to com-
mence and con-
tinue.

Who not to be
elected or ap-
pointed.

How judge re-
moved.
How and for
what impeach-
ed.

Vacancy in
office; how
filled.

Contested elec-
tion; how tried
and determined
Where court to
try contest must
sit.

Jurisdiction of
such court.

Powers of judge
in vacation.

What he cannot
do as to judg-
ments, etc. and
injunctions of
circuit court.

by a judge, who shall be called the judge of the county court. After the election hereinafter provided, he shall be commissioned by the governor and shall receive a salary of eight hundred dollars a year, which shall be paid out of the county treasury of said county in quarterly installments. His term of office shall be four years, except as to the judge first to be elected under this act, who shall continue in office until the thirty-first day of December, in the year one thousand eight hundred and eighty-four, and until his successor is elected or appointed and qualified. And on the second Tuesday in October, in the year one thousand eight hundred and eighty four, and on the second Tuesday in October in every fourth year thereafter, a judge for the county court of said county shall be elected, whose term of office shall commence on the first day of January next after his election and continue until his successor is elected, or appointed and qualified. But no person shall be elected or appointed to said office not discreet and learned in the law, or who holds any other office of trust or profit under this state or the United States, or who is not at the time of his election or appointment a citizen of said county of at least one year's residence.

2. The county judge may be removed from office in the manner provided by the eighteenth section of article eight of the constitution, for the causes therein mentioned, and may be impeached in the manner and for the causes presented in the ninth section of article four of the constitution.

3. If the office of county judge shall from any cause become vacant, it shall be filled by appointment by the governor for the unexpired term.

4. If the election of county judge be contested, it shall be contested, tried and determined in the manner provided by law in relation to a contested election of judge of a circuit court, but the court to try the contest must sit within said county at the court house.

5. The said county court shall have the same jurisdiction as is conferred by the constitution and laws upon the existing county courts, except as to a levy upon the property of the county. The judge of said court in vacation, shall exercise the same powers within the said county, as are now conferred upon the judges of the circuit courts, and may allow appeals from justices, but he shall not grant appeals, writs of error, and *supersedeas* to decrees and judgments of the circuit courts, nor dissolve any injunction of the circuit court, nor reverse or correct any judgment of the same.

6. Chapter one hundred and twenty-nine, acts of one thousand eight hundred and seventy-two and three, shall

apply to said county court in the same manner that it does to the circuit courts.

What provisions of law to apply to court.

7. There shall be four sessions of the court held in said county during the year, and grand juries may be summoned to attend to any term thereof that the judge may direct, and after being sworn shall be charged by the judge.

Sessions of court; how many.

8. There shall be a board of commissioners in said county, consisting of three members, to be known as the "board of commissioners of Mason county," by which name they may sue and be sued, make and use a common seal, and enact ordinances and by-laws not inconsistent with the laws of this state. They shall hold regular meetings on the third Mondays of July and December in each year, at the court house, and may hold special meetings at any time upon reasonable notice given by the president to other members, or upon a like notice given by any two members to the other member. They may also hold adjourned meetings. They shall elect one of their number president of the board, and the clerk of the county court shall be *ex officio* clerk of the board of commissioners. The clerk shall keep a journal of their proceedings, and transact such other business as may by law or by the board be required, for which services he shall be paid such fixed sum as the board may, by an order entered on its journal, determine, to be paid quarterly from the county treasury, but not to exceed two hundred dollars a year. The said board shall have the superintendence and administration of the internal police and fiscal affairs of said county, including the regulation of roads, ways, bridges, public landings, ferries and mills, the granting of ordinary and other licenses, with authority to lay and disburse the county levies. The board shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers except county judge, and shall exercise such other jurisdiction and perform such other duties as may be prescribed by law.

Board of commissioners; of what number to consist and by what name to be known. Powers of such board. Regular meeting.

Special meeting.

Adjourned meeting. President of board; how elected.

Who to be clerk. Duties and compensation of clerk.

How paid.

Jurisdiction and duties of board.

Contested election cases to be determined by board, except, etc.

9. The president of the county court in said county, elected for the term beginning on the first day of January, one thousand eight hundred and seventy-seven, shall be the president of the board of commissioners during the term for which he was elected president of the county court. The term of office of commissioner shall be two years, except as to the first commissioners to be elected under this act, who shall continue in office until the thirty-first day of December, one thousand, eight hundred and eighty, and until their successors are elected or appointed and qualified; and on the second Tuesday in October, in the year one thousand, eight hundred and eighty, and on the second Tuesday in October, in every second year thereafter, there shall be three commissioners elected in

President of county court to be president of board; until when.

Term of office of commissioner, except, etc. When elected.

- When term of office begins and continues. said county, whose term of office shall commence on the first day of January next after their election, and continue until their successors are elected or appointed and qualified. But no two commissioners shall be elected or appointed from the same magisterial district.
- No two to be from same district.
- Compensation of commissioners and president. How paid. 10. The said commissioners shall each receive a compensation of three dollars per day, and the president four dollars for every day's attendance upon the meeting of the board, to be paid out of the county treasury, but neither shall receive pay for more than fifteen days' attendance during any one year.
- Limit.
- Commissioners may be indicted; for what. 11. Any commissioner may be indicted for malfeasance, misfeasance, or neglect of official duty, and on conviction thereof his office shall become vacant.
- Vacancies; how filled. 12. A vacancy in the board of commissioners shall be filled by the remaining members of the board by appointment for the unexpired term.
- Election to adopt or reject this act; when. 13. There shall be an election held in said county in the year one thousand eight hundred and seventy-nine, on the day and at the places for holding the election for school officers, for the purpose of taking the sense of the qualified voters of said county upon the question of the adoption or rejection of this act, and for the election of county judge and two commissioners in said county under it. The person voting for its adoption shall have written or printed upon his ballot the words "For adoption;" and the person voting against its adoption shall have written or printed upon his ballot the words "Against adoption."
- What must be printed or written on ballots for or against.
- By whom election conducted. Notice to be given. 14. The said election shall be conducted by the officers holding the school election according to the laws of this state providing for general elections, and ten days' notice of the time of holding said election to be posted in at least three different public places in each magisterial district in said county by the sheriff of said county. A failure to post said notices shall not vitiate said election, but shall subject the sheriff to a fine of five dollars for each failure. And the result of said election, so far as relates to the election of said county judge and the adoption of this act, shall be certified by the judge and clerk of said election to the clerk of the county court of said county, who shall certify the result thereof, if this act be adopted by a majority of the voters of said county, to the governor, and it shall be his duty to issue a commission to the candidate receiving the highest number of votes as judge.
- Effect or failure to post notice. Result; by whom and to whom certified.
- Clerk of county court to certify result to governor; when.
- Governor to commission judges.
- Majority vote of all the voters of the county required to adopt. 15. If it appears that a majority of all the voters of said county voting at said election are in favor of the adoption of this act, then it shall take effect and be in force from and after the day of said election.

16. The office of justice of the peace, clerk of the circuit court, county surveyor or notary public shall not be deemed incompatible with that of county commissioner; and the office of notary public shall not be incompatible with that of county judge.

What offices not deemed incompatible,

17. The terms of the county court for the said county of Mason shall begin on the first Monday in the months of February, June, August and December.

Terms of county court; when to begin.

18. The tribunals created by the provisions of this act shall, after the adoption thereof and qualification of the judge and commissioners herein provided for, be in lieu of the present county court.

When tribunals herein provided for to supersede present county court.

19. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Inconsistent act repealed.

[Approved March 8, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LX.

AN ACT making appropriations to pay certain volunteer military companies for services rendered to the state in suppressing the riots in this state in the months of July and August, one thousand eight hundred and seventy-seven.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the sum of eight thousand six hundred and thirty-three dollars and eight cents is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay certain volunteer military companies hereinafter named for services rendered to the state, in suppressing the riots in this state in the months of July and August, one thousand eight hundred and seventy-seven, and to pay Captain John J. Chipley for expenses incurred by him for transportation by wagon, subsistence, &c., and Col. R. M. Delaplain for expenses incurred by him as aid to the governor in suppressing said riots, to-wit:

Appropriation to pay certain volunteer company for service and to pay expenses of capt. J. J. Chipley and Col. R. M. Delaplain.

Berkeley light
infantry.

To pay Berkeley light infantry for time actually in service, subsistence and clothing, three thousand seven hundred and three dollars and thirteen cents.

Hardy guards.

To pay Hardy guards for time actually in service, subsistence and clothing, one thousand five hundred and eighty-three dollars and ninety-three cents.

Mathews light
Guards.

To pay Mathews light guards for time actually in service, subsistence and clothing, one thousand nine hundred and fifty-eight dollars and eighty cents.

West Virginia
guards.

To pay West Virginia guards for time actually in service, subsistence and clothing, one thousand two hundred and eight dollars and eighty cents.

Capt. J. J.
Chipley.

To pay Captain John J. Chipley for transportation by wagon, subsistence, &c., seventy-five dollars and fifty-five cents.

Col. Delaplain.

To pay Col. R. M. Delaplain for expenses incurred as aid-de-camp to the governor, one hundred and two dollars and eighty-seven cents.

Upon what
voucher auditor
authorized to
pay.

Adjutant general
to sign
voucher and certify
amount.

2. No money appropriated for the pay, subsistence and clothing of the men composing the companies mentioned in the preceding section, shall be paid by the auditor, except upon a proper voucher signed by the adjutant general, and certifying that the amount named therein is due to the officer or private therein named, as appears from the pay-rolls and official documents on file in his office for military services rendered to the state in suppressing the riots in the state in the months of July and August, one thousand eight hundred and seventy-seven; and the amounts due Col. R. M. Delaplain and Captain J. J. Chipley shall be paid upon accounts certified by the adjutant general.

Duty of adjutant
general in cases where
person has assigned
his pay or any part
thereof.

3. In all cases in which it shall appear to the adjutant general that any officer or private, entitled to receive any money under the provisions of this act, has assigned the same or any part thereof to any person, the adjutant general shall issue a voucher to such person or assignee, and shall issue to the original holder a voucher for the balance, if any, after deducting the part assigned.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXI.

AN ACT to amend and re-enact section nineteen of chapter ninety of the code, concerning the action of ejectment.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That section nineteen of chapter ninety of the code, concerning the action of ejectment, be and the same is hereby amended and re-enacted so as to read as follows: Section 19 of chapter 90 of Code, amended.

“ 19. In a controversy affecting land, when a person claiming under a patent, deed or other writing, shall enter upon and take possession of any part of the land in controversy under such patent, deed or other writing, for which some other person has the better title, such adversary possession under such patent, deed or other writing, shall be taken and held to extend to the boundaries embraced or included by such patent, deed or other writing, unless the person having the better title shall have actual adverse possession of some part of the land embraced by such patent, deed or other writing. Effect of adversary possession under patent, deed, or other writing; unless etc.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXII.

AN ACT to amend and re-enact sections twenty-nine, fifty and fifty-one of an act of the General Assembly of the state of Virginia, passed March eleventh, one thousand eight hundred and thirty-six, entitled “an act to incorporate the city of Wheeling, in Ohio county.”

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That sections twenty-nine, fifty and fifty-one, of an act of the General Assembly of the state of Virginia,

Section 29, 50 and 51, acts of Virginia, passed March 11, 1836, amended.

passed March eleventh; one thousand eight hundred and thirty-six, entitled "an act to incorporate the city of Wheeling, in Ohio county," be amended and re-enacted so as to read as follows:

Power of council to pass ordinances.
Power to enforce all ordinances.

"29. The council shall have authority to pass all ordinances (not repugnant to the constitution and laws of the United States, or of this state) which shall be necessary and proper to carry into full effect any power, authority, capacity or jurisdiction which is or shall be granted to, or vested in, the said city or in the council, or any officer of said city; and to enforce any or all of their ordinances by reasonable fines and penalties and by imprisoning the offender or offenders, and by compelling them to labor, without compensation; at any of the public works or improvements undertaken or to be undertaken by said city, or by any or all of the said modes. *Provided*, however, that no fine shall be imposed exceeding one hundred dollars, and that no person shall be imprisoned or compelled to labor as aforesaid more than one year for any one offense. *And provided further*, That no jury shall be allowed in any trial for the violation of an ordinance of said city.

Proviso, limiting fines, imprisonment, etc.

No jury allowed in any trial.

Council authorized to order and enforce regulations to prevent accidents by fire, etc.; to establish, organize, etc., fire companies; to provide magazines for storage of gunpowder, etc.; and respecting the peace, manner of keeping and transporting same. Authorized to assess and collect annual license for sale of such articles. Also, an annual license on each agency of foreign insurance company.

"50. The council shall have authority to ordain and enforce such regulations as shall be necessary or proper to prevent accidents by fire within said city, or to secure the inhabitants thereof, as far as practicable, from injury thereby, and specially to provide for the establishment, organization, equipment, and government of fire companies in said city; and to provide suitable magazines, or places in or near said city for the storage of gunpowder, petroleum, or other combustible and dangerous articles; and to ordain and enforce such regulation as they may deem necessary respecting the place and manner of keeping and transporting the same. And the council shall also have authority to assess by ordinance and collect an annual license for the sale of all such articles. The council shall further have authority to assess by ordinance and collect an annual license on each agency of any foreign insurance company doing business within the city.

Authorized to secure inhabitants against thieves, robbers, etc.; also, to suppress gaming, lewdness, etc., and prevent cruelty to animals.

"51. The council shall have authority to pass such ordinances as shall be necessary or proper to secure the inhabitants of said city against thieves, robbers, burglars, and all other persons violating the public peace of said city; for the suppression of riots and gaming, and for the prevention and punishment of lewd, lascivious, indecent or disorderly conduct, and cruelty to animals, in said city."

Inconsistent acts repealed.

2. That so much of said act as comes within the purview of this act, be and the same is hereby repealed.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXIII.

AN ACT to amend and re-enact sections five and eight, of chapter one hundred and thirty-four, of the acts of one thousand eight hundred and seventy-two and three, in relation to the sales of forfeited and delinquent lands.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That sections five and eight, of chapter one hundred and thirty-four, of the acts of one thousand, eight hundred and seventy-two and three, be amended and re-enacted so as to read, respectively, as follows :

Sections 5 and 8 of chapter 134, Acts 1872-3, amended.

"5. The commissioner shall require one-fourth of the purchase money to be paid in hand, and shall also require bond bearing interest from date, with good security, payable in twelve months, for the residue of the purchase money, and shall retain the title to and a lien on said lands for the residue of the purchase money until the same is fully paid. He shall, at the next term of the court following any sale, return a report of sales made by him to the court from which he received his appointment, designating particularly the date of each sale, the local situation of and number of acres in each tract, the name of the purchaser, the price at which it was sold, the amount paid cash in hand and the costs and expenses of sale. The court shall confirm the report, unless it be excepted to and competent evidence be offered to show that it should be set aside; and when the purchaser of any lands at such sale shall have paid the whole of the purchase money, the court shall direct the said commissioner (or another commissioner appointed for the purpose) to convey to the purchaser all the interest of the state in said lands. The commissioner shall also return to the court the bonds taken for the deferred installments of the purchase money, and they shall have the force of judgments, and upon the failure of the obligors to pay the same when due to the commissioner, it shall be his duty to employ a competent and reliable attorney, and after giving the said obligors ten days' notice, shall move the court for an award of execution on said bonds, for which services he shall be allowed the same fees as on other motions of a like kind, which, together with the other necessary costs and commissions attending the collection of said bonds, shall be taxed and included in the execution. The commissioner shall report to the court in his first report, and in all subsequent reports, all moneys received by him on such sale, and the court shall thereupon make an order allowing him such commissions on all the moneys collected, not exceed-

Sales of forfeited and delinquent lands; terms of such sales and duties of commissioners in relation thereto.

Court to confirm report unless excepted to, etc.

When commissioner to convey to purchaser interest of state in such lands.

Bond for deferred installment of purchase money.

Force of such bonds.

Duty of commissioner upon failure of obligors to pay such bonds when due.

Notice in such cases.

Fees of commissioner in such cases.

How fees and costs to be taxed.

What commissioner to report to court in his reports.

Commission on moneys collected, etc.

Money to be paid into state treasury for benefit of school fund.
Duty of clerk of court as to order relating to sale of forfeited lands, etc.

When auditor to charge commissioner with amount due. When commissioner to pay such money into treasury.

Commissioner to make report to auditor; when and how. What report to show.

When to pay into treasury amount shown to be due state by such report.

ing ten per cent, and such other reasonable expenses attending the survey and sale of said lands as in its judgment may seem proper, and shall direct the residue to be paid by the commissioner into the state treasury for the benefit of the school fund. The clerk of the court shall, immediately after the adjournment of a term of the court, certify to the auditor a copy of any order made by the court at such term relative to the sale of forfeited lands or to the collection of the purchase or redemption money; and if it shall appear from such order that any sum of money is in the hands of the commissioner of school lands, the auditor shall charge the said commissioner with the amount thereof, and the commissioner shall pay the amount so shown to be due from him into the treasury within thirty days after the adjournment of the term of the court at which such order is made.

"8. Said commissioner shall also, on or before the first day of October in each year, make a report to the auditor upon such blanks as may be prescribed by said auditor, showing what sales have been made by him; what lands have been redeemed under the provisions of this act; the name of the persons assessed, with the several tracts of land forfeited; the number of acres in each tract; the date of the order of sale; the names of the purchasers; the amount of purchase money for each tract paid in cash, the amount of the bonds (in each case) taken, the names of the sureties; the cost of sale; the actual amount in his hands arising from the sale or redemption of each tract with which he is chargeable, and all other matters necessary to enable the auditor to make a complete record in his office. Within thirty days after making such report he shall pay into the treasury, the amount, if any, that still remains due by him to the state.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXIV.

AN ACT to allow the auditor to settle with the sureties of defaulting sheriffs, without requiring the payment of twelve per cent interest.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That whenever it shall appear to the satisfaction of

the auditor that the sureties of a defaulting sheriff will be compelled to pay the amount of the indebtedness of such sheriff, he may, with the advice and consent of the attorney general, settle with such sureties, by receiving the amount of principal with interest thereon, at the rate of six per centum per annum. *Provided*, that the sureties will pay the amount into the treasury before judgment is obtained.

When auditor authorized to settle with sureties of defaulting sheriffs without requiring 12 per cent. interest.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXV.

AN ACT to prevent members of the county court, overseers of the poor, district school officers, or any member of any other county or district boards, or any county or district officer from being pecuniarily interested in contract or service, in the award or letting of which he, as such member or officer, has any control.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. It shall be unlawful for any member of a county court, overseer of the poor, district school officer, or any member of any other county or district board, or for any county or district officer to be or become, directly or indirectly, pecuniarily interested in the proceeds of any contract or service, or in furnishing any supplies in the contract for, or the award or letting of which, as such member or officer, he may have any voice or control.

Unlawful for members of county court, etc. or any county or district officer to be pecuniarily interested in any contract, etc., in the award of which he may have a voice.

2. Any violation of the first section of this act shall be a misdemeanor, and on conviction thereof the member or officer so violating shall be fined not less than ten dollars nor more than fifty dollars, and shall forfeit, for the benefit of the school fund, the amount of said pecuniary interest in said contract or service, the amount of said pecuniary interest to be ascertained by the jury trying the case.

Any violation deemed a misdemeanor. Penalty.

How pecuniary interest to be ascertained.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXVI.

AN ACT to change the times for holding the county courts for the counties of Pocahontas and Summers.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the terms of the county courts of the counties of Pocahontas and Summers shall commence as follows: For the county of Pocahontas, on the first Tuesday in February, April, June, August, October and December of each year. And for the county of Summers, on the third Tuesday in January, March, May and July; on the first Tuesday in September, and on the third Tuesday in November.

Terms of county court in Pocahontas and Summers.

Inconsistent acts repealed.

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

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXVII.

AN ACT prescribing penalties for charging, demanding or receiving unlawful charges for the transportation of passengers and freight upon railroads.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia:

Penalties for charging, etc., unlawful charges for transportation of passengers and freight upon railroads.

Application of act limited.

1. Any railroad company or corporation heretofore or hereafter organized, and owning or operating any railroad, wholly or partly within this state, their officers or agents who shall charge, demand or receive more than the lawful charges for transportation or travel upon their railroad so owned or operated by them, shall, for each offense, be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars. But nothing in this act shall be so construed as in any manner to interfere with or protect such company or corporation against any proceedings for a forfeiture of its charter or chartered rights.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXVIII.

AN ACT in regard to the boundary monuments on the line between the states of Pennsylvania and West Virginia, with an appropriation for expenses of same.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That as soon as practicable after the passage of this act, it shall be the duty of the governor to appoint three persons, to be commissioned to act in conjunction with a similar commission of the state of Pennsylvania, to examine as to the true location of the monuments which mark the boundary line between this state and the state of Pennsylvania, and in connection with said commission of the said state of Pennsylvania, to replace any monuments which have become dilapidated or been removed, on the boundary line of said states.

Boundary monuments between Pennsylvania and West Va. Governor to appoint commissioners; when.

Duties of such commissioners.

2. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated for expenses of renewing and replacing monuments, and for contingent expenses. The money hereby appropriated shall be drawn upon the order of the governor.

Appropriation for expenses. How drawn.

3. Said commission shall make report to the secretary of state on the progress of the work, with an account of all expenditures, which shall be transmitted by said secretary to the legislature at its next session; and said commission shall, on completion of said work, prepare and file in the secretary of state's office, a full report of their proceedings, accompanied by such maps or drafts as may be necessary to a clear understanding of the same.

Report of commissioners; to whom made. Duty of secretary of state as to such report. Further duties of commissioners.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXIX.

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

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That so much of the public taxes and arrears of taxes and all other sources of revenue which may have been received into the treasury since the first day of October, one thousand eight hundred and seventy-eight, and which may be received therein prior to first day of October, one thousand eight hundred and eighty, which may be necessary for the pay of officers and members of the legislature and for salaries of the officers of the government, shall constitute a fund according to the forty-second section of article six of the constitution, and no money belonging to any fund shall be taken for any other purpose than that for which it has been or may be appropriated or provided, and to that end there shall be and is hereby appropriated out of the fund from taxation and other sources of revenue a sum sufficient to pay the following charges, payable out of the treasury during the fiscal years ending with the thirtieth day of September, one thousand eight hundred and seventy-nine, and the thirtieth day of September, one thousand eight hundred and eighty, as follows :

Appropriation to pay members and officers of legislature and salaries of officers of the government. For what time.

For fiscal year ending 30 Sept. 1879.

First—For the fiscal year ending the thirtieth day of September, one thousand eight hundred and seventy-nine :

LEGISLATIVE DEPARTMENT.

Senate.

To pay mileage of senators.

To pay mileage allowed to the members of the senate for the session commencing on the eighth day of January, one thousand eight hundred and seventy-nine, the sum of one thousand and fifty-five dollars and seventy cents.

Per diem of senators.

To pay per diem compensation of the twenty-four members of the senate, from the eighth day of January to the tenth day of March, one thousand eight hundred and seventy-nine, the sum of six thousand and seventy-six dollars.

Per diem of officers, clerks, etc. of senate. Clerk.

To pay the per diem compensation of the officers, clerks of committees and pages, that is to say :

Assistant clerk.

To the clerk of the senate, seven hundred and twenty dollars.
To the assistant clerk of the senate, three hundred and seventy-two dollars.

To pay three committee clerks, seven hundred and forty-four dollars. Committee clerks.

To pay three pages, three hundred and seventy-two dollars. Pages.

To pay sergeant-at-arms, three hundred and ten dollars. Sergeant-at-arms
To pay doorkeeper, two hundred and forty-eight dollars. Doorkeeper.

House of Delegates.

To pay mileage of sixty-five members of the house of delegates, for the session of the legislature commencing on the eighth day of January, one thousand eight hundred and seventy-nine, two thousand nine hundred and seventy-four dollars and forty cents. Mileage of delegates.

To pay per diem compensation of the members of the house of delegates, for the session commencing on the eighth day of January, one thousand eight hundred and seventy-nine, and ending on the tenth day of March, one thousand eight hundred and seventy-nine, sixteen thousand two hundred and forty-two dollars. Per diem of delegates, Per diem of officers, etc., of house.

To pay per diem compensation of the officers, clerks of committees and pages, as follows :

To the clerk of the house of delegates, seven hundred and twenty dollars. Clerk.

To four assistant clerks, one thousand four hundred and eighty-eight dollars. Assistant clerks.

To four committee clerks, nine hundred and ninety-two dollars. Committee clerks.

To the sergeant-at-arms, three hundred and ten dollars. Sergeant-at-arms.

To the doorkeeper, two hundred and forty-eight dollars. Doorkeeper.

To pay five pages, six hundred and twenty dollars. Pages.

EXECUTIVE DEPARTMENT.

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

Secretary of State.

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

Auditor.

To pay salary of the auditor, two thousand dollars. Salary of auditor.

Treasurer.

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

State Superintendent of Free Schools.

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

Attorney General.

Salary of attorney-general. To pay salary of the attorney general, *ex officio* reporter of the court of appeals, one thousand three hundred dollars.

Librarian.

Librarian. To pay the salary of the librarian and *ex officio* adjutant general, nine hundred and fifty dollars.

Keeper of the Rolls.

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

Janitor.

Janitor. To pay salary of janitor, one thousand dollars.
To pay extra compensation of janitor allowed by law during the session of the legislature, one hundred and eighty-six dollars.

JUDICIAL DEPARTMENT.

Salaries of judges. To pay the salaries of the four judges of the supreme court of appeals, nine thousand dollars.

Supreme court. To pay salary of the clerk of supreme court of appeals, one thousand dollars.

Salary of clerk of court. To pay salaries of the judges of the circuit courts, eighteen thousand dollars.

Salaries of circuit judges. To pay persons who hold courts where circuit judges cannot act, one thousand dollars.

To pay persons who hold courts where the judge of the circuit cannot act, one thousand dollars.

Mileage of judges of supreme court. To pay mileage of judges of the supreme court of appeals, seven hundred and fifty dollars.

Mileage of circuit judges. To pay mileage of the judges of the circuit courts, one thousand two hundred dollars.

Fiscal year ending Sept. 30, 1880. *Second*— For the fiscal year ending on the thirtieth day of September, one thousand eight hundred and eighty:

EXECUTIVE DEPARTMENT.

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

Secretary of State.

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

Auditor.

Auditor. To pay salary of auditor, two thousand dollars.

Treasurer.

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

State Superintendent of Free Schools.

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

Attorney General.

To pay the salary of the attorney general and *ex officio* reporter of the supreme court of appeals, one thousand three hundred dollars. Attorney-General.

Librarian.

To pay the salary of the librarian and *ex officio* adjutant general, nine hundred and fifty dollars. Librarian.

Janitor.

To pay the salary of janitor, one thousand dollars. Janitor.

Keeper of the Rolls.

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

JUDICIAL DEPARTMENT.

To pay the salaries of the four judges of the court of appeals, nine thousand dollars. Judges of court of appeals.

To pay the salary of the clerk of the supreme court of appeals, one thousand dollars. Clerk of court.

To pay the salaries of the judges of the circuit courts, eighteen thousand dollars. Circuit judges.

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

To pay mileage of the judges of the supreme court of appeals, seven hundred and fifty dollars. Mileage of supreme judges.

To pay mileage of the judges of the circuit courts, one thousand two hundred dollars. Mileage of circuit judges.

Be it further enacted, 3. That the auditor is hereby authorized and directed, when properly demanded, to issue his warrants on the treasury in the same manner he would be required to if each item of expenditure was directed to be paid to a creditor by name, and no money shall be drawn from the treasury for the purpose herein named during the fiscal years ending, respectively, September thirty, one thousand eight hundred and seventy-nine, and September thirty, one thousand eight hundred and eighty, beyond the amount here appropriated unless the same is authorized by the constitution or some general law. Auditor authorized to pay.

No money beyond appropriation to be drawn unless, etc.

But the auditor may draw his warrant on the treasury in favor of the several officers and persons whose salaries and compensations are provided for in this act, for services actually rendered by them during the first six months of Auditor authorized during first six months of

fiscal year beginning Oct. 1, 1880 to make payments, etc., to officers, etc., named in this act, for service actually rendered.

the fiscal year beginning on the first day of October, one thousand eight hundred and eighty, for an amount not exceeding one-half of the sum appropriated for the salary or compensation of such person or officers, respectively, for the year ending September thirty, one thousand eight hundred and eighty.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXX.

AN ACT for the payment of Samuel Fox, assignee of Adam R Given, commissioner of the revenue of Braxton county, in the year one thousand eight hundred and sixty-one.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the sum of one hundred and seventy-five dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the payment in full of Samuel Fox, assignee of Adam R. Given, for the services of said Given, as commissioner of the revenue for the county of Braxton, for the year one thousand eight hundred and sixty-one.

Auditor authorized to pay.

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

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXI.

AN ACT amending and re-enacting sections three, four, five and twenty of chapter one hundred and eighty-two acts of one thousand eight hundred and seventy-two and three, entitled "an act providing an alternative method of constructing and keeping in repair county roads."

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That sections three, four, five and twenty of chapter one hundred and eighty-two, acts one thousand eight hundred and seventy-two and three, be amended and re-enacted so as to read as follows: Sections 3, 4, 5 and 20 of chapter 182, acts 18723, amended.

"3. Each magisterial district shall constitute a road precinct, and when a county shall have adopted the provisions of this act it shall be the duty of the resident voters of each district, at the next general election for state officers, and biennially thereafter, to elect a surveyor of roads for each road precinct; said surveyor of roads shall hold his office for the term of two years, beginning on the first day of January next succeeding his election. Vacancies in the office of surveyor of roads shall be filled by appointment by the county court, or any tribunal acting in lieu thereof, for the unexpired term. Road precinct. Surveyor of roads; when elected. Term of office. Commencement Vacancies; how filled.

"4. Each person so elected shall, within thirty days after his election, qualify by taking the oath prescribed by the fifth section of the fourth article of the constitution of this state, and shall before entering upon the discharge of the duties of his office give bond with security to be approved by a justice of the peace of his precinct in such sum as may be required by such justice, and be conditioned for the faithful performance of his duties. When surveyor to qualify. His oath. His bond; by whom approved Condition of bond.

"5. It shall be the duty of each surveyor of roads, within twenty days from the first day of January next succeeding his election, (provided that he was not appointed to fill a vacancy) to lay out and divide all the county roads in his precinct into sections, not exceeding one-half mile in length, which sections he shall number and describe in a book to be kept by him for that purpose, and he shall specify therein the nature and extent of the work which he may deem necessary for improving and keeping in repair each section of said county road for the term of two years. Duty of surveyor as to laying out and dividing roads in his precinct. Length of section. To be numbered and described. What to specify in book to be kept by him.

"20. Any surveyor of roads, duly elected under the provisions of this act, and who has qualified as such, neglecting or refusing to discharge the duties of his office, shall be Penalties on survey for neglecting or refusing to discharge duties of his office.

subject to such fines and penalties as are provided by law, and to which any other district officer would in like manner be subject.

[Approved March 10, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXII.

AN ACT to enable the securities of E. L. Wade, late sheriff of Doddridge county, to collect certain fee bills and tax bills in the county of Doddridge.

[Passed February 27, 1879.]

Preamble.

WHEREAS, It is represented that E. L. Wade, late sheriff of Doddridge county, failed, leaving his sureties on his sheriff bond liable for a large amount of money, and it being represented that there are fee bills and tax bills due the said Wade, uncollected in in the county of Doddridge, therefore

Be it enacted by the Legislature of West Virginia :

1. That the sureties of the said Wade, upon his sheriff bond, be and they are hereby authorized, in the name of the said Wade, to collect said fee bills and tax bills, and there shall be no bar to the recovery thereof of any of said fee bills or tax bills that have not been paid or otherwise settled by those owing the same.

Sureties of E. L. Wade, late sheriff of Doddridge county, authorized to collect fee and tax bills due the said Wade, that have not been paid, etc.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXIII.

AN ACT concerning the assessment of taxes.

[Passed March 7, 1879.]

Be it enacted by the Legislature of West Virginia :

Chapter 29 of the code, as amended by chapter 54, acts 1875, amended and re-enacted.

1. That chapter twenty-nine of the code as amended by chapter fifty-four of the acts of one thousand eight hundred and seventy-five, be amended and re-enacted so as to read as follows :

ASSESSMENT OF TAXES.

Number of Assessors—Assessment Districts.

1. There shall be two assessment districts in each of the counties of Barbour, Berkeley, Cabell, Greenbrier, Hampshire, Harrison, Jackson, Jefferson, Kanawha, Lewis, Lincoln, Mason, Marion, Marshall, Mineral, Monongalia, Monroe, Ohio, Preston, Randolph, Ritchie, Roane, Upshur, Wetzell, 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.

Assessment districts in each county, and the number of assessors elected.

2. When there is more than one assessment district in a county, the county court may, by order, lay off and change the boundary between such districts; but in laying off or changing the said boundary no magisterial district shall be divided.

Boundary lines of districts may be changed; when, but no district to be divided.

3. The authority and duty of an assessor shall not, extend beyond his district, except to grant license for a privilege which may lawfully be exercised in or out of the district.

Authority of assessor confined to his district; except, etc.

Removal of Assessors on Complaint of the Auditor.

4. The auditor shall communicate to the county court of the county any instance of misconduct or official neglect on the part of any assessor of such county, and any evidence of his incompetence which may appear from the books and papers in the auditor's office; and the court shall proceed to investigate the same, and may remove the assessor from office, pursuant to the seventh section of the seventh chapter of the code.

How assessors removed from office.

Forms and Instructions to be Furnished by the Auditor to Assessors.

5. The auditor shall prepare and forward to the assessors printed forms for the land and personal property books, and also for the list of taxable subjects to be furnished by the assessors to persons chargeable with taxes. He shall also by letter or printed circular, give such instructions to the assessors respecting their duties as may seem to him judicious; and if any assessor fail to obey such instructions so far as they are not contrary to law, he shall forfeit not less than one hundred nor more than two hundred and fifty dollars.

Auditor to prepare and forward to assessors forms and instructions.

Penalty for failure to obey instructions.

Books and Papers of His Predecessors.

6. The assessor shall apply for the official books and papers which his predecessor had, to the person in possession thereof; and if such person fail or refuse to deliver the same, he shall forfeit one hundred dollars.

Assessor to apply for books and papers of predecessor; penalty for failure or refusal to deliver same.

Duty of auditor when informed that such books cannot be obtained. How substitutes or copies paid for

7. The auditor, on being informed that such official books and papers cannot be obtained, may authorize the assessor to procure substitutes therefor or copies thereof, and the person furnishing the same, shall be paid such fee therefor out of the county treasury, as the county court may deem reasonable.

Corrections of Mistakes in Land Books.

Relief of person aggrieved by entry in land books. County court to cancel improper levies; when. If in value, how determined.

Proceeding in cases when county court refuse relief.

If more than one district in county; how court to equalize.

Appeal. When value of real estate has been or shall be diminished by flood, fire, etc; how assessment of, corrected and relief afforded.

If relief be refused; what, then. Appeal.

8. Any person aggrieved by any entry in the land books may apply to the county court of the county in which the land is assessed for taxation for relief, and if it appear that any person so applying for relief is improperly charged with any tract of land in quantity, value, or in any other manner, the court shall correct the same. If it be in value, it shall be determined by the value of contiguous lands similarly situated. In any case, if the court shall refuse relief, the party aggrieved may introduce testimony and have it certified by said court, or the person presiding over any tribunal established for police and fiscal purposes, in lieu of a county court, when the application by the person aggrieved is made to such a tribunal, and bills of exceptions shall be signed by the courts, or by the person presiding over such tribunal, if the same be required by reason of their rulings or decisions. If there be more than one district in a county, and the average value of land be unequal or unjust, the court may, by a rate per centum, equalize the same by orders entered of record, but no order so entered shall preclude the court from granting relief in individual cases; and appeals, writs of error or *supersedeas* to the circuit court, shall lie to any final ruling or decision of the county court. Whenever, because of fire, flood, storm, riot, insurrection, or because of any cause special to, or affecting the value of real estate in any district, town or neighborhood, the value of any real estate has been or shall be diminished or lessened from its value as heretofore fixed at any reassessment of lands within this state, or which may hereafter be fixed at any general reassessment of lands under the laws of this state, it shall be the duty of the county court, or other tribunal having control of the fiscal affairs of the county, upon the petition of any owner or owners of such real estate, the value of which has been or may be diminished because of any of the reasons aforesaid, for relief, and such court or tribunal, upon being satisfied of the truth of the petition, shall correct such assessment and fix a fair assessment upon such real estate for the purposes of taxation, and, if such relief is refused, such court or tribunal shall spread the facts proven upon the record by bills of exception or otherwise, if so requested to do by the petitioner, and an appeal, writ of error or *supersedeas* shall lie to the circuit court of such county to the order or decision of such county court or tribunal. And whenever any such assessment is corrected as aforesaid, by either such county

court or tribunal, or by the circuit court, upon appeal, writ of error or *supersedeas*, the assessor of the county or district in which such real estate lies shall, upon the delivery to him of a copy of the order of the court or other tribunal, showing such correction in the premises, correct upon his land book the assessment of such lands and charge up the taxes thereon according to such corrected assessment, and such corrected assessed value of such real estate shall so continue until the same is changed in pursuance of law.

Duty of assessor when assessment is corrected as aforesaid.

But no taxes assessed and paid upon such land prior to the happening of any of the events hereinbefore mentioned shall be released or refunded to the owner thereof.

No taxes assessed and paid upon such property prior, etc., released or refunded.

9. The assessor, in making out his land books, shall, in all respects, correct the same, as directed by the county courts, or by the circuit court, on appeal or *supersedeas* and shall correct every other mistake he may discover in the original land books, and if any taxes have been omitted for a former year, he shall enter the same, with lawful interest thereon, for collection.

Assessor to correct land books; how and when. To enter taxes omitted for a former year, etc.

10. When the assessor shall ascertain that there is any land in his district which has not been entered in his land book, or after being so entered, has from any cause been omitted for a period of less than five years, he shall make an entry thereof, and of the name of the owner, and if there be no assessment of the same, shall proceed to make such assessment, to the best of his judgment, by reference to the assessed value of contiguous land similarly situated, and shall charge the same with all the taxes which should have been charged or collected, with lawful interest thereon. Any assessor failing to make such entry and assessment, shall forfeit twenty dollars. But this section shall not be construed to require any such assessment in counties in which the same has been dispensed with by law.

Assessor to enter and assess lands not on assessor's book and not before assessed. Within what time. How assessed.

Penalty for failure. Exception as to certain counties.

11. If any land which ought to be assessed in one assessment district be assessed in another, the assessor in whose book it has been erroneously entered, shall certify the owner's name, and the quantity, description and assessed valuation of such land to the proper assessor, who shall enter the same in his book and charge the tax thereon; and the assessor, in whose book it was erroneously entered shall strike the same therefrom on being informed of the entry thereof by the proper assessor. If land which ought to be assessed in one district be assessed in another, the assessor shall make the proper transfer.

Duty of assessor in cases where lands are not assessed in proper assessment district.

12. The regulations contained in the preceding section shall be held applicable in cases where the boundaries of counties or districts are changed, or a new county or district has been created.

Duties where boundaries of counties or districts are changed or new counties, etc., created.

Change of Ownership or Valuation—General Rule Respecting.

Land correctly charged not to be transferred or re-assessed except as provided by law.

13. Land which has been correctly charged to one person upon the land book shall not afterwards be transferred to another, or the valuation assessed thereon be changed, until a general reassessment be ordered by the legislature, except as provided for in this chapter.

List of Deeds, etc., to be Reported to the Assessors.

Duty of clerks of county courts to certify list of all deeds to assessor; when.

What such list shall state.

Proviso in case of several deeds for same land.

14. Every clerk of the county court shall annually, in the month of January, make out a list of all deeds for the partition or conveyance of lands (except mortgages and deeds of trust to secure the payments of debts) which have been admitted to record in his office, and have not before been reported to the proper assessor. The list shall state the date of each deed, when admitted to record, names of grantors and grantees, the quantity of land lying within the county thereby conveyed, and a description of said land. *Provided*, that where separate deeds have been taken from different persons for the same tract, or a part of a tract of land, in order to perfect the title thereto, the clerk shall only include in such lists the deeds which include the whole tract.

Duty of clerks of courts as to lists of certain judgments and decrees. Contents of such lists.

15. The clerk of every circuit, county or municipal court shall annually, in the same month, make out lists of all judgments and decrees for the partition or recovery of lands which have been rendered by their respective courts and have not been before reported to the proper assessor, stating in such lists the date of the judgment or decree in each case, the land recovered and by whom, or the land which was divided and between whom and in what parcels.

Clerk of county court to certify to assessor list of all lands devised by wills. What to be stated in such list.

16. The clerk of the circuit court and the clerk of the county court shall annually, in the same month, make out a list of all lands absolutely devised by wills recorded in their respective offices, and not before reported to the proper assessor, stating in such list the date of the will in each case, when admitted to record, the names of the deviser and devisee, and a description of the land devised.

Officer certifying such lists to deliver copy to assessor. Where there is more than one assessor; what then.

17. Every list mentioned in the three preceding sections shall be delivered by the officer making it, to the assessor for his county; or if there be more than one assessor for such county, to one of them, and to the other a copy, or so much thereof at least, as relates to the lands within his district.

Secretary of state; duty of, as to grants issued by the state for lands.

18. The secretary of the state shall annually, in the month of January, make out and forward to the clerk of the county court of each county, an abstract of all grants issued by the state for land lying in such county, not previously reported for assessment. And the clerk of the

county court, immediately on receipt of such abstract, shall make out and deliver an attested copy of the same to the assessor, or if there be more than one, to each of the assessors of the county within whose district any parcel of said lands may lie, and shall file the original in his office.

Duty of clerk of county court on receiving abstract.

19. If any officer fail to perform any duty required of him by the five preceding sections, he shall forfeit not less than ten nor more than fifty dollars for every such failure.

Penalty for failure to discharge any duty required by five preceding sections.

20. Any party interested may procure at his own cost, a certified copy or statement of any deed, judgment, decree, devise or grant, and deliver the same to the proper assessor; and the assessor may examine original deeds, or the records of the county, to ascertain to whom any parcel of land is properly chargeable, or its description or quantity.

Copy of deed, decree, etc., how procured. Delivery thereof to assessor; his duty thereon.

Change of Ownership or Value—How Entered by the Assessor.

21. Such changes as happen within the district of any assessor shall be noted by him in his land book as follows:

Changes to be noted by assessor.

22. He shall enter in his land book all lands in his district appearing, by the abstract of the secretary of state, to have been granted and not previously entered, and assess the value thereof with reference to the assessed value of contiguous land similarly situated. If he fail to enter any grant mentioned in said abstract, in the first land book made out after such abstract is received by him, he shall forfeit twenty dollars.

Assessor to enter lands appearing by abstract of secretary of state to have been granted, and assess the same. How assessed. Penalty for failure.

23. Real estate purchased for the state at a sale for taxes, shall not be thereafter entered in the land-book, but the auditor shall keep a register thereof. But when any real estate so purchased appears by the auditor's certificate to have been redeemed, the same shall be replaced in the land book, in the name of the former owner or his grantee. When real estate is sold to an individual for taxes, the assessor shall note in his land book the number of acres sold, and to whom, but shall continue the land upon said book in the name of the former owner, until the purchaser obtains a deed therefor.

Real estate purchased by state at sale for taxes, not to be entered. Auditor to keep register. When such estate is redeemed; what then. When real estate is sold to an individual for taxes; what then.

24. The land specified in the lists, copies, deeds, records, abstracts and statements mentioned in the fourteenth, fifteenth, sixteenth, eighteenth and twentieth sections of this chapter, shall be transferred in the land books to the persons who appear thereby to be the owners thereof.

Lands specified in lists, etc., to be transferred to proper persons.

When a Tract is Divided—Surface Land and Minerals Under the Same.

25. When a tract or lot of land becomes the property of different owners in several parcels, or one person becomes the owner of the surface, and another of the min-

Where land becomes the property of different individuals, as

assessor to divide value; also, as to surface and minerals.

How such division may be corrected, if party dissatisfied.

Review of assessors decision by county court.

orals under the same, the assessor shall divide the value at which the whole had before been assessed, among the different owners, having regard to the value of each interest compared with that of the whole. If any person interested be dissatisfied with the division so made, he may apply to the assessor to correct the same, and the assessor giving ten day's notice to the parties concerned, or such of them as are found in his assessment district, shall make a re-apportionment or confirm the division before made, according to the best of his information and judgment. Any party having given like notice, may apply to the county court of the county to review the assessor's decision, and the court, if satisfied that such decision is erroneous, may correct the same, and order the proper apportionment to be entered upon the land book.

Land of a Deceased Person.

Real estate of deceased persons; how listed. Each heir liable for whole tax until partition.

Remedy in such cases.

When land charged to devisee. How land charged and taxes if under a will it is to be sold.

26. When the owner dies intestate, his undivided real estate may be listed to his heirs without designating any of them by name, until they shall have given notice to the assessor of the proper district, of the division of the same, the names of the several heirs, and the parcels allotted to each; and each heir shall be liable for the whole tax assessed upon such land while it is so listed; but when he pays the same, he may recover of the others their proper proportion of the amount so paid, and the proportion thereof for which such other or others are liable, shall be a lien on the interest owned by him or them in such lands; and such liens when the amount so paid exceeds twenty dollars in all, may be enforced in a court of equity. When the owner has devised the lands or a freehold estate therein absolutely, the assessor shall charge such lands to the devisee. If, under the will, the land is to be sold, it shall continue to be charged to the decedent's estate, and the assets in the hands of the personal representative shall be liable for the taxes until a sale and conveyance thereof be made.

How Old or New Buildings are to be Assessed.

Assessment on buildings; when and how made.

Taxes on omitted buildings; how charged.

27. Every assessor, before making out his book, shall assess the value of any old building omitted for one or more years, and of any addition or improvement to a building, and of any building newly erected, not theretofore assessed, if the same be of the value of one hundred dollars or upwards, such buildings, whether now or old, and such addition or improvement shall be valued as nearly as may be at the same rate, at which other buildings in the neighborhood were valued by the assessor at the previous general assessment, and the valuation thereof be added to the value of which the land was before charged. And where it is an old building omitted for one or more years, the taxes for former years shall be charged with lawful interest thereon.

28. No new building, addition or improvement shall be assessed until it is so far finished as to be fit for use.

When new buildings, etc., to be assessed.

29. When any building, which may have been assessed, shall become reduced in value one hundred dollars or more, the assessors shall deduct the amount of such reduction from the value of the building assessed against the owner, and where any building shall be wholly destroyed or reduced to less than one hundred dollars in value, the assessor shall deduct from said assessment the amount for which such building was assessed. If the owner of any building so assessed shall feel himself aggrieved thereby, he may, within twelve months after such assessment, apply to the county court of his county to have the same corrected; but he shall, before such application is made, give notice thereof, in writing, to the prosecuting attorney, whose duty it shall be to attend to the interests of the county and state therein. A copy of all orders made by the county court changing the assessed value of any real estate, shall forthwith be certified by the clerk of such court to the auditor and assessor in whose district such real estate is situated. For any failure on the part of the assessor to comply with this or any of the three preceding sections, he shall forfeit fifty dollars.

Deduction to be made where value of building reduced \$100.

Same where building is destroyed.

Party aggrieved may apply to county court for relief; when and how. Prosecuting attorney.

Copies of orders changing assessed value to be sent to auditor and assessor. Penalty on assessor.

Machinery and Fixtures Attached to Mills and Manufactories.

30. In assessing the value of buildings used or intended to be used as manufacturing or other mills, the assessor shall ascertain the value of all machinery and fixtures attached thereto, and include the same in the amount of improvement charged to the owner thereof; and the valuation of such machinery or fixtures shall be thereafter increased or reduced, according to the rules and principles applied to buildings in the twenty-seventh, twenty-eighth and twenty-ninth sections of this chapter.

Assessment of machinery, etc., how made.

How increased or diminished.

District Lists of Real Estate.

31. There shall be in the land book for every assessment district separate lists for the magisterial districts included in such district, and in which every tract or lot of land shall, for the purpose of taxation, be entered in the list for the district in which the same, or the greater part thereof, is situated, and the entries in each district list shall be arranged in the alphabetical order of the names of the owners.

Separate list for each district to be made in land book.

What to be entered therein and how.

Land Situated in Different Assessment Districts.

32. Land lying partly in one county and partly in another shall, for the purposes of state taxation, be entered on the land book of the proper district in the county in which the same, or the greater part thereof in value, lies;

How lands entered lying in different counties.

but the entry thereof and payment of taxes thereon in any county where any part thereof is situated, shall, for the time during which the same is so entered and paid, be a discharge for the whole of the state and state school taxes charged and chargeable thereon. And when any such land is so entered on the land book in any such county, the same shall not, nor shall any part thereof, be entered for state taxation on the land books of any other county so long as the same remains on the land books first above mentioned.

Entry and payment of taxes where any part lies, valid.

When so entered, not to be entered on land book of other county.

Value of buildings in such cases; by whom assessed.

When new buildings are erected, of the value of one hundred dollars or more, upon that part of the land lying out of the district or county in which it is assessed, the assessor on whose books it is entered shall assess and add the value of such building, as in other cases.

How tracts of 1,000 acres lying in two or more counties entered and charged with taxes.

For the purposes of county and district taxation, every tract of land of one thousand acres or more, lying in two or more counties, shall hereafter be entered and charged with taxes in each magisterial district in each of the counties in which it is situated, to the extent, as near as may be, that it is situated in such district; but the whole number of acres so entered and charged in said districts shall not exceed the number of acres for which the same is entered and charged for state taxation. And in case the assessors of any two or more districts or counties cannot agree as to the proper number of acres to be charged in any magisterial district, the circuit court of any county in which any part of said land may be, may, on motion of any such assessor, appoint one or more commissioners to ascertain and report the proper number of acres to be entered in any district to which such disagreement relates.

When assessors cannot agree, etc.

Commissioners to be appointed; how.

Report may be confirmed or re-committed.

Assessors to enter as the court shall order.

The report of such commissioner or commissioners may be confirmed or re-committed as in other cases, and when the court, by means of any such report or otherwise, shall determine the quantity of acres to be entered in any such district the assessor shall enter the same as the court shall order.

Error as to number of acres entered; how corrected.

In case the number of acres so entered and charged for district and county purposes in all the districts shall exceed the number charged as aforesaid for state purposes, the owner or his agent may apply to such court as is hereinbefore mentioned to have the same corrected, and the court shall thereupon take such proceedings as may be necessary to make the required correction.

Entry of payment of taxes heretofore made not to be effected as to county and district purpose.

But nothing in this section contained shall effect or impair the entry of and payment of taxes for county and district purposes on any such tract of land in any one county heretofore made, but every such entry and payment shall, for the time for which the same was made, be a discharge for all the county and district taxes charged and chargeable thereon.

When assessor to charge land with county and

It shall be the duty of the assessor of every county and district in which any part of a tract of land is subject to enter and charge for county and district taxes other than

that in which the whole is entered and charged for state taxation, to charge the amount so entered for county and district taxation, with county and district taxes only, and not with state and state school taxes, and the columns in his land book in which the state and state school taxes on lands are entered, shall be left blank as to such lands. Any assessor who shall wilfully violate any of the provisions of this section shall be guilty of a misdemeanor and fined not less than twenty nor more than one hundred dollars.

district taxes only and not with State and State school tax.
Columns of land book left blank as to state and state school tax.
Penalty for violating provisions of section.

33. When land lying partly in one assessment district and partly in another, has been assessed in one of said districts only, if the owner convey that portion (or any part thereof,) lying in the district wherein the same is not assessed, the assessor of the latter district shall enter in his land book what is so conveyed, and certify the quantity, description and valuation of the part so conveyed, according to the average valuation of the whole tract per acre, exclusive of buildings, and with the value of the buildings, if any, added thereto, to the assessor of the district wherein the whole was before assessed, who shall deduct the quantity and valuation of the part so conveyed from that of the entire tract as before entered in his book.

Duty of assessors where land lie partly in one assessment district and partly in another, but charged only in one, is sold, etc.

34. In like manner where a tract or lot of land lies in two or more districts, and the owner conveys any portion thereof situated in a district wherein such land was not assessed, the part so conveyed shall be thereafter entered in the assessment list for the proper district, and the quantity and apportionate value thereof be deducted from that of the entire tract or lot as it was before entered.

Same where such tract lies in two or more district.

Inquiries to be Made of Land Owners and their Agents.

35. Each assessor, before making out his land book (and when he takes the list of taxable personal property), shall carry with him the book of the preceding year, and the entry of lands charged to any person resident, or having an agent within his district, shall be shown to such person or his agent, who shall be required to state on oath whether the same be correctly entered; whether any part thereof ought to be transferred to any other person, and if so, to whom, and the nature of the evidence to authorize such transfer; also, to state whether any other land within the district ought to be charged to such resident or non-resident, and to describe the same, as well as to give a description of any land charged to such resident or non-resident which is not correctly entered; and the assessor shall make such use of the information so obtained as he can properly make consistently with the other provisions of this act. Any such resident or agent failing to comply with such requisitions shall forfeit fifty dollars. Any assessor failing to comply with this section shall forfeit twenty dollars.

Duty of assessor before making out land books.

What the owner or agent must state on oath.

Use to be made of such information by assessor.

Penalty or failure to give information.

Penalty on assessor.

Form of the Land Book—Tracts of Land—Town Lots.

Land book;
form of and
what to contain.

36. The assessor shall make out his land book, including all extensions, in such form as the auditor may prescribe, showing for each magisterial district in one table the tracts of land, and in a separate table the town lots, arranged in the alphabetical order of the names of their owners.

Table of tracts
of land, what to
be entered in.

37. In the table of tracts of land, the assessor shall enter each tract separately, and shall set forth in as many separate columns as may be necessary, the name of the person who, by himself or his tenant, has the freehold in his possession; the nature of his estate, whether in fee or for life; the number of acres in the tract; the name of the tract, if it has a name; a description of it with reference to the water courses, mountains or other places on or near which it lies, the distance and bearing from the court house; the value of the land per acre, including buildings; the value of land and buildings; sum included in the value on account of buildings; the amount of tax on the whole tract at the legal rate, and from whom, when and how the owner derived the land, where that is known, with a note and explanation of any alteration made, showing why and upon what authority it was made.

Table of town
lots, what to be
entered in.

38. In the table of town lots he shall enter separately each lot, whether improved or unimproved, and shall set forth in as many separate columns as may be necessary, the name of the person and his estate, as in the table of tracts of land, charging lots leased for a term of years on ground rent, including all improvements thereon, not to the lessee, but to the tenant for life or fee simple owner under whom the lessee holds. The assessor shall set forth in other columns the number of each lot in the town, if the same be numbered, with name of the town, if not previously placed in the heading or caption of the table, a description, where a person does not own the whole lot, of the part which he owns; the value of the buildings on the lots; the value of the lot, including buildings; the amount of tax at the legal rate, and like notice of the source of title, and explanation of alterations, as in the table of tracts of land.

Assessments to have Reference to First of February—To whom Taxes are Chargeable.

When assessor
to begin assess-
ment; what to
ascertain.
Taxes, by
whom paid.

39. The assessor shall begin annually, on the first day of February, and proceed without delay to ascertain all the persons and property, real and personal, on that day, subject to taxation in his district. The taxes for each year, upon real and personal property, shall be paid by those who are the owners thereof on that day, whether it be assessed to them or to others.

40. As to real property, the person who by himself or

his tenant, has the freehold in his possession, whether in fee or for life, shall be deemed the owner for the purpose of taxation. A person who has made a mortgage or deed of trust to secure a debt or liability, shall be deemed the owner until the mortgagee or trustee takes possession, after which such mortgagee or trustee shall be deemed the owner. Personal property, mortgaged or pledged, shall, for the purpose of taxation, be deemed the property of the party who has the possession.

Who deemed owner of real and personal property for purposes of taxation.

By whom Property is to be Listed.

41. Every person of full age and sound mind shall list for taxation the property belonging to him, including the shares held by him in any national or other bank, in this or any other state, except when the same is listed under the provisions of section sixty-four of this chapter, and the persons and property under his charge and control, subject to taxation, and furnish to the assessor, on his application, all necessary information respecting the same. The property of a minor, shall be listed by his guardian, if he has one, and if he has no guardian, by his father, if living, if not, by his mother, if living; and if neither be living, or they be out of the state, by the person having charge of the property. The separate property of a married woman may be listed by herself, or by her husband in her name; and the property of the husband may be listed by the wife if he be out of the state, or in a condition in which he may be unable to list the same; property held in trust, by the trustee, if in possession thereof, otherwise by the party for whose benefit it is held: the personal property of a deceased person, by the personal representative; the property of an insane person, or person sentenced to confinement in the penitentiary, by his committee; of a company, whether incorporated or not, whose assets are in the hands of an agent, factor or receiver, by such agent, factor or receiver, otherwise by the president or principal accounting officer, partner or agent, within the state; all money credits and investments in the possession or under the charge of a receiver or commissioner, by such receiver or commissioner; and money deposited to the credit of any suit, by the clerk of the court in which the suit was brought.

By whom property to be listed for taxation, and what he must list.

Property listed by one person for another; how listed.

42. Every person required by law to list property on behalf of another, shall list it separately from his own, designating the person, company, estate or trust, to which it belongs.

Property Exempt from Taxation.

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

What property exempt from taxation.

Property belonging to the United States, or which by the laws of the United States is exempt from taxation by or under state authority.

Property belonging exclusively to the state.

Property belonging exclusively to any county, district, city, village or town in this state, and used for public purposes.

Property used exclusively for divine worship, parsonages, and the household goods and furniture pertaining thereto; burial grounds.

Property belonging to colleges, academies and free schools, if used for educational purposes, including books, apparatus, annuities, money and furniture.

Public and family libraries.

Property used for public and charitable purposes, and not held or leased out for profit, including the property of agricultural associations.

Property belonging to any public institution for the education of the deaf, dumb or blind, or to any hospital, house of refuge, lunatic or orphan asylum; to the overseers of the poor in their official capacity; fire engines and implements for the extinguishment of fire, and property used exclusively for the safe-keeping thereof, and for the meetings of fire companies.

Agricultural productions, grown directly from the soil, and the products and increase in number of live stock produced within this state during the year preceding the first day of February, and remaining unsold on that day in the possession of the original owner or his agent.

The produce during the same time of mines, salt wells, and oil wells, within this state, remaining unsold in the hands of the producer or his agent, on the first day of February, and all manufactured articles and products of mechanical skill and labor, produced in this State during the same time, and remaining unsold on the first of February, in the hands of the producer or his agent. But no property shall be exempt from taxation which shall have been purchased or procured for the purpose of evading taxation, whether by temporarily holding the same over the first of February or otherwise, whether the same be in this state or elsewhere.

Property not exempt.

Assessment of Capitation Tax.

Who to be assessed with capitation tax. Such tax to be paid but once in same year.

44. Every assessor shall ascertain and list for taxation the white male persons and the colored male persons over the age of twenty-one years, residing in the district on the first day of February, and not exempt from taxation on account of bodily infirmity, and shall include in the said list all such persons who remove into the said district between the first day of February and the time the assessor's books are delivered to the collecting officer; but persons who pay the capitation tax in one district shall be exonerated from paying the same in any other for that year.

Personal Property—Definitions.

45. The word "county court," as used in this chapter, shall be construed to include any tribunal constituted for police and fiscal purposes in lieu of a county court; and the clerk of such tribunal shall perform all the duties required of a clerk of a county court for the purposes of this act. The word "persons" shall include firms and companies, whether incorporated or not, unless such meaning be inconsistent with the context; and words importing residence shall, as applied to firms and companies, be regarded as designating the place where their principal business is transacted.

The words "county court" and "persons;" what they include.

Words importing residence as applied to firms, etc., how regarded.

46. The words "personal property," as used in this section, shall include all fixtures attached to land, if not included in the valuation of such land, entered in the proper land book, all things of value movable and tangible, which are the subject of ownership; and money, credits and investments, as defined in the following section.

Words "personal property" defined.

47. The word money includes not only coin, but all notes, tokens, or papers, which circulate or are used in ordinary transactions as money or currency, and deposits, which either in terms or effect are payable in money on demand. "Credits" includes all claims and demands, whether owing upon bond, note, certificate, book account or otherwise, and whether due or not, whether payable in money, property, labor or services, except only such demands as are included in the term "money" as above defined. "Investments," includes stocks, bonds and securities of the United States, or of this state, or of any other state, nation or government, or any city, town, county, district, railroad or other corporation; and any share, portion, interest or stock in the capital, joint fund, assets or profits of any company, whether incorporated or not; or in a steamboat or other vessel, or in any adventure, business or undertaking.

Words "money," "credits" and "investments" defined.

What Personal Property is to be Listed for Taxation.

48. All personal property belonging to persons residing in this state, whether such property be in or out of the state, and all personal property in the state, though owned by persons residing out of the state, shall be entered in the personal property book, and be subject to equal and uniform taxation, unless especially exempted by law, but personal property of all classes, except as hereafter provided, belonging to residents of this state, which is actually and permanently located in another state, and by the laws of such other state is subject to taxation, and is actually taxed in such other state, shall not be entered on the personal property book or be taxed in this state. All moneys belonging to citizens of this state, and loaned,

Personal property to be listed for taxation; what.

What not to be listed or taxed.

Moneys loaned, etc. out of state to be taxed.

deposited or being in another state, shall be subject to taxation under the laws of this state.

In What District Personal Property is to be Listed.

Where personal property to be listed.

49. Every person required by law to list personal property, shall list for taxation in the assessment district where he resides, the money, credits, and investments subject to taxation, belonging to himself or under his charge or control, whether the same or the evidence thereof be in or out of the state; but capital, money and property (except real estate) employed in any trade or business (other than agriculture) belonging to a company, whether it be incorporated or not, or to an individual, shall be assessed for taxation in the assessment district where the principal office for transacting the financial concerns pertaining to such trade, or business is located, or if there be no such office, then the district where the operations are carried on. Goods and chattels, and other personal property, not assessed as aforesaid, nor exempt from taxation in the assessment district where the same may be on the first day of February, may be assessed in any district to which it may be removed before the assessor's books are certified; but the assessment and payment of taxes in any county or district in any year, shall exonerate the owner of such property in any other county or district for such year.

Assessment and payment of taxes in any county, etc., exonerates, etc.

Valuation of Personal Property.

How value of credits to be estimated.

50. The value of any "credit" required to be listed, if the solvency of the party liable therefor be doubtful, or the claim be disputed, shall be estimated at what it is deemed to be probably worth. If it be payable in anything but money, its probable value in money is to be listed. If a solvent credit bear interest, which has not been paid, the amount of principal and the interest calculated up to the first day of February, in the year for which the assessment is made, shall be listed; but if it do not bear interest, and be not due, the interest for the time it has to run, from the first day of February until it will be due and payable, may be deducted. Investments shall be rated at their market price, or if there be no known market price, at what is deemed their probable value.

Value of investments, how estimated.

When shareholders not taxed.

51. Where the property, stock or capital of any company, whether incorporated or not, is assessed to such company, no person owning any share, portion or interest therein, shall be required to list the same, or be assessed with the valuation thereof.

What to be deducted in listing credits and investments.

52. In listing credits or investments, the party owning the same may deduct therefrom what he owes to others as principal debtor, but not what he may be liable for as surety, endorser or guarantor, unless his principal be insolvent.

53. If there be a difference between the owner and the assessor in regard to the valuation of any personal property, they may each choose a discreet voter, and their decision, or that of an umpire chosen by them, shall be final as to the matter in controversy.

Difference as to valuation of property; how settled.

List to be called for by the Assessor.

54. It shall be the duty of the assessor, as soon as possible after the first day of February in each year, to ascertain all personal property subject to taxation in his district, with the value thereof and the name of the person to whom the same ought to be assessed, and to make proper entry thereof in his personal property book.

Assessor to ascertain all personal property taxable with its value; when.

55. To ascertain the same, he shall call upon every person in his district who is required by law to list any such property, for a list, and valuation thereof, and may apply to any officer or agent of a company, or any person interested therein, and shall require every person to answer under oath such questions as he may ask him in relation to any matter about which the assessor is authorized to inquire. And the assessor shall require from the officer or person who returns the valuation of the property of any bank, or other company, for assessment, an affidavit that no part of the assets of such bank has been disposed of or converted in any way for the purpose of evading the payment of taxes thereon. An assessor failing to make any call and administer the oath required by this section shall forfeit twenty dollars.

Must call upon every person for list and valuation.

Persons to answer under oath

Affidavit required of person who returns valuation of property of any bank, etc.

Penalty on assessor.

56. If any person desire it, the assessor shall furnish him proper forms for the list and valuation of such personal property as he is required by law to list. If any person be absent from his residence at the time the assessor calls, and there be no person on the premises to act for him, the assessor shall leave proper forms for him with some member of the family over the age of sixteen years, or if there be no such person on the premises, shall cause such forms to be delivered to him as soon as possible thereafter, or otherwise procure the proper statements. To the form furnished by the assessor shall be appended the form of the oath to be taken by the party who is required by law to make out such lists.

Assessor to furnish forms when required. To be left at persons residence, if absent. Form of oath to be appended.

57. Every person so called upon, shall, within ten days thereafter, deliver to the assessor, or leave for him with the clerk of the county court, a full and correct statement, in the form prescribed by the assessor, of all personal property and persons, on account of which he is chargeable with taxes, or which by law he is required to list on behalf of another, with the valuation of the property mentioned in said statement. He shall also take and subscribe an oath appended to or endorsed upon the said statement, to the following effect, viz: "I solemnly swear (or affirm) that

Duty of person called upon, etc. to return list of property within ten days; to whom returned.

What list to contain. Form of oath to be taken.

the above (or within) list contains, to the best of my knowledge and belief, a full and correct statement of all the personal property, moneys, credits and investments, belonging to _____, whether the same are in or out of the state of West Virginia, which are required by law to be listed for taxation in the _____ assessment district of _____ county; and that the valuation affixed to the same are, in my opinion, not below the fair cash value thereof. When the capital employed in any trade or business is returned, the affidavit to the value shall be to the following effect, viz: "I solemnly swear (or affirm) that the above (or within) is a true statement, to the best of my knowledge and belief, of the actual value of the property, money, credits and investments (real estate and property exempt from taxation excepted) employed by _____ in the trade or business of (merchandizing, manufacturing, banking, or as the case may be) whether such property, money, credits and investments are in or out of the state of West Virginia, after deducting what the said _____ owes to others as principal debtor.

When person
refuse to
value personal
property.
Value to be fix-
ed by assessor.

58. Notwithstanding anything contained in this chapter to the contrary, any person may refuse to value any personal property listed or returned by him, if he exhibit the same to the assessor, who shall thereupon assess the value thereof.

Penalties for
failure or re-
fusal to furnish
list of property.
To make oath.
To refuse to
answer or an-
swer untruly,
etc.

59. If any person, whose duty it is by law to list any personal property, being called upon by the assessor to do so, refuse to furnish a proper list thereof, or to make such oath as is required by the fifty-seventh section; or if any person refuse to answer, or answer untruly any question lawfully asked by the assessor, or refuse to be examined under oath, when lawfully required by the assessor, or fail or refuse to deliver the statement required by the said fifty-seventh section, he shall forfeit not less than ten nor more than one hundred dollars; and if any person fail to give a true list of all money loaned which should be assessed, he shall, in addition, forfeit five *per centum* on such sum not so listed.

Duty of assessor
when proper list
is not furnished.

60. If any person fail to furnish a proper list, or if the list furnished be, in the judgment of the assessor, incomplete or erroneous in any respect, the assessor shall proceed to list the property and assess its value, or to supply the omissions and correct the errors, upon the best information he can obtain, and for that purpose the assessor may call upon any officer of the state, county or district for such proper information as it may be in his power to give; and may require any person having possession, charge or control of any personal property in the assessment district, to permit him to examine the same, in order that a fair valuation thereof may be made; and if any

person refuse to do so he shall forfeit not less than ten nor more than fifty dollars. Penalty on person refusing.

61. Nothing in this chapter contained shall be construed to require any person to furnish, or the assessor to take, a list of the several articles of such person's household and kitchen furniture, except those specified in section sixty-eight. Household and kitchen furniture not to be listed except as provided in sec. 68.

62. The assessor may administer oaths in all matters pertaining to his official business. Assessor may administer oaths.

Toll Bridges and Ferries.

63. The assessor shall ascertain the yearly value of all toll bridges and ferries in his district, except such as are exempted from taxation. He shall be governed by the actual rent received, where such toll bridges or ferries are rented or leased out; otherwise he shall make a just estimate of their annual value. For purposes of taxation, the value of a toll bridge or ferry shall be taken to be ten times its annual value. Value of toll bridges and ferries, how ascertained and assessed.

Incorporated Companies.

64. He shall ascertain from the proper officers or agents of all incorporated companies in his district (except railroad and foreign insurance, telegraph and express companies), the actual value of the capital employed or invested by them in their trade or business (exclusive of real estate and property exempt by section forty-three, of this act, from taxation), and enter the same in his personal property book. The real estate of such companies shall be assessed and entered in the land book, as in other cases. Value of capital of incorporated companies, except railroads, etc., how ascertained and assessed.

The value of the capital shall be estimated by taking the aggregate value of all the personal property of the company not exempt from taxation, wherever situated, including their money, credits and investments, whether in or out of the state, and deducting from said aggregate what they may owe to others as principal debtors. If a company have branches, each branch shall be assessed separately in the district where the principal office for transacting its financial concerns is located; or if there be no such office, then in the district where its operations are carried on. All property of navigation companies and other joint stock transportation companies other than railroads, whether real or personal, shall be taxed in the county and district wherein such property is situated; and it shall be the duty of the assessor of each district to assess such property as hereinbefore directed in this section. Real estate.

Where the capital of a company is assessed as aforesaid, the personal property thereof shall not be otherwise assessed, nor shall any individual shareholder or partner therein be required to list or be assessed with his share, portion or interest in the said capital.

Capital Used in Trade or Business by Merchants and Other Individuals or Firms.

The value of capital of individuals or firms, etc., how ascertained.

65. The value of the capital used by any individual or firm not incorporated, in any trade or business taxable by law, shall be ascertained in the manner following: The assessor shall ascertain from every such individual or firm, or from some member or agent of such firm, carrying on any trade or business, except agriculture, within his assessment district, the actual value of the capital employed by him or them in such trade or business. Such person or firm shall state.

First—The actual amount of cash capital invested in such trade or business on the first day of February in each year.

Second—The amount and value of all personal property used in connection with such trade or business, otherwise than such as is regularly kept for sale therein.

Third—The value of all goods and property kept for sale and remaining unsold on the first day of February, except as provided in the sixty-eighth section of this chapter.

Fourth—The amount of all money derived from such trade or business remaining uninvested on that day, whether in or out of the state.

Fifth—The amount and value of all debts and claims arising out of such trade or business and remaining unpaid on that day, whether in or out of the state, deducting therefrom any debts created in course of such trade or business which such person or firm owes as principal debtors.

Sixth—The amount and value of all investments made by such person or firm, whether in or out of the state, other than those hereinbefore specified.

Duty of person or firm commencing business after 1st day of February.

Duty of assessor in such cases.

Any such person or firm desiring to commence business after the first day of February in any year, shall give notice thereof to the assessor of the proper district, accompanied with a sworn statement of the amount of capital invested, or intended to be invested, by such person or firm in such trade or business during the remainder of the year. And it shall be the duty of such assessor, upon the receipt thereof, to assess the amount of such capital with the taxes payable thereon, and certify the same to the sheriff of the county for collection. He shall at the same time transmit to the auditor a duplicate of the said certificate, and upon the receipt thereof, the auditor shall charge the sheriff with the amount of state taxes therein specified. The assessor shall also, on or before the day on which the county levies are laid, certify to the county court of his county, the amount of all taxes assessed by him in said last mentioned cases for county and district purposes. When any personal property employed in any trade or business is assessed under the provisions of this section,

the owner shall not be required to list the same otherwise, nor shall it be otherwise assessed to him. But all personal, as well as real property, not so assessed to such person or firm, shall be assessed as other like property is required by law to be assessed.

Property so assessed not to be otherwise listed or assessed, etc.

Receivers, Commissioners and Clerks of Courts.

66. He shall ascertain from each person in his district, who acts under the order of any court as receiver or commissioner, the amount of all money and bonds or other evidences of debt under his control, and the style of the suit to which such fund belongs and from the clerk of such court, the amount deposited by order of such court in any bank or saving institution, to the credit of any suit in such court and the style of such suit.

Assessor to ascertain from receivers, etc., what moneys, etc., under their control, etc., also of clerk of court, amount deposited in any bank, etc.

67. The president, secretary, or principal accounting officer of every railroad company, whether deriving its corporate powers exclusively from the state or not, shall list for taxation at its true value in money, verified by the oath or affirmation of the officers so listing, all the property, money, credits and investments of such company of whatsoever kind, wholly held or used in this state and also the proportional value of all locomotives and rolling stock passing in and out of this state on railroads crossing the lines thereof, to be ascertained by the proportion which the number of miles run within this state by such locomotives and other rolling stock may bear to the whole number of miles run by such locomotives and other rolling stock over the road belonging to such company, or any connecting line; the proportional value of all such locomotives and other rolling stock, so ascertained, to be assessed as the property of the company owning and using the same, whether it be run upon its own or any other railroad within this state. The proportional value of all locomotives and other rolling stock, and the value of all other personal and movable property, money credits and investments, shall be added to stationary and fixed property and real estate, and shall be apportioned by such officer to each county through which the road passes, in proportion to the fixed property and real estate belonging to the company in such county; and all the property so listed, shall be subjected to and pay the same taxes as other property listed in such county. *Provided*, That the road-bed, bridges, tunnels, depots, stations, machine shops, machinery, freight houses, stock yards, rolling stock, and all other necessary appendages, and structures connected and used therewith, together with all the real estate which the company is allowed by law to hold, shall be listed as aforesaid, or assessed by the board of commissioners, as hereafter provided, at their actual value in money, without reference to the amount expended in the construction or purchase thereof. Said officer shall, on or before the first day of

Railroad companies; how assessed for taxation.

How taxed. Provide as to road-bed, bridges, etc., etc.

February in each year, make out and file with the auditor, such list and *pro rata* valuation of the real and personal property, and money, credits and investments, of such company verified as aforesaid. The auditor shall lay said list and valuation before the board of public works as soon as possible after the filing thereof, and if the same be deemed satisfactory, the said board shall direct the auditor to assess the property of such company for state and general free school and county purposes, and for free school purposes in each district and independent school district, and for municipal corporation purposes through which said railroad runs, as hereinafter provided, upon the valuation of its property as contained in said list, and the auditor shall assess the same accordingly. The said list and valuation when made shall also be the basis for municipal taxation by any incorporated city or town through which said railroad runs, and the auditor shall apportion the same in proportion to the real estate and fixed property belonging to said company and located in any such city or town. But if the said list and valuation be not satisfactory to the board, or if such railroad company fail to file the list and valuation herein required, the said board shall, as soon as possible after the first day of February, appoint a board of commissioners, consisting of one discreet and intelligent freeholder from each congressional district of the state, to assess the property of said company as hereinafter required; but no person shall be appointed as such commissioner who resides in a county through which a railroad runs. It shall be the duty of the said commissioners, as soon as they are informed of their appointment to convene at some convenient point on the line of the railroad to be assessed, and to examine as far as practicable, all the taxable property of such railroad company, hereinbefore mentioned, within each of the counties of this state, and to assess the fair value thereof, in money, for the purpose of taxation, upon the principle hereinbefore stated. If a statement of the property of such company has been filed as herein required, a copy thereof shall be delivered to said commissioners by the auditor, to enable them to discharge their duties; but if no such statement has been filed, the said commissioners shall assess the value of such property within each county of this state upon the principle aforesaid, from the best information they can obtain. The assessment so made by the said commissioners shall be returned by them to the auditor on or before the first day of July, succeeding their appointment, and their decision shall be final. In case the list and valuation of the property filed with the auditor as aforesaid be satisfactory to the board of public works, and in cases where assessment of the property of such company is made and returned by the board of commissioners as aforesaid, the auditor shall immediately certify to the county court of each county through which such railroads

List, etc., when and whom filed.

Duty of auditor as to such list and valuation. If satisfactory to board, auditor to assess property.

Said list to be, also, basis for municipal taxation, etc.

How apportioned.

If list and valuation not satisfactory to board, etc., board to appoint commissioners to assess. Of whom to consist.

Duties of such commissioners.

Statement to be furnished them.

If no statement, what then.

When and to whom assessment to be returned.

run, the value of the property therein of every such company, as valued or assessed as aforesaid, and it shall be the duty of such court to apportion such value between such districts and independent school districts and municipal corporations in their county through which such road runs, as near as may be, according to the value thereof in each of said districts and municipal corporations. It shall be the duty of the clerk of the county court of every county through which such railroads run, within thirty days after the county levy of such county is laid to certify to the auditor the apportionment made by the county court or tribunal created in lieu thereof, the amount levied upon each one hundred dollars value of the property therein for county purposes. It shall also be the duty of the secretary of the board of education, of every such district and independent school district, and the clerk or recorder of every municipal corporation, within thirty days after a levy is laid therein for free school and municipal purposes, to certify to the auditor the amount levied for such purposes upon each one hundred dollars value of the property therein. And any officer violating the provisions of this section shall be deemed guilty of a misdemeanor and fined not less than one hundred nor more than five hundred dollars. And in case of the failure of the secretary of the board of education in any district, and the clerk of the county court or tribunal created in lieu thereof, to return to the auditor on or before the first day of December in each and every year such certificate as to the levy aforesaid, then the auditor may obtain the rate of taxation for county and district purposes from the copies of the assessor's books on file in his office. And it shall be the duty of the auditor to charge every railroad company assessed under the provisions of this section, in a book to be kept by him for that purpose, as follows:

- I. With the whole amount of taxes upon its property in each year for state and general free school purposes.
- II. With the amount payable to each county through which such road runs, for county purposes aforesaid.
- III. With the amount payable to each district and independent school district through which such road runs for free school purposes.
- IV. With the amount payable to each municipal corporation through which said road runs, for municipal purposes.

The auditor shall, on or before the tenth day of December in each year, or as soon thereafter as practicable, make out and transmit, by mail or otherwise, a statement of all taxes and levies so charged to the president, secretary or principal accounting officer of such company. And in case any railroad company is aggrieved by the assessment of its property, or any error shall appear to have been made in making the assessment, the company may file its

Auditor to certify to county court of each county through which road runs assessment of property; when. Duty of court in such cases. Clerk of county court to certify to auditor amt. of county levy; when.

Duty of sec. of brd. of education, clerk or recorder, to certify to auditor the levy, etc. for free schools and municipal purposes. Penalty on officer for violating section.

Failure of such officers to return to auditor such certificate as to the levy, then auditor to obtain rate of taxation from assessors books on file in his office.

Taxes to be charged to company by auditor; for what purposes and how.

Auditor to transmit statement of taxes charged against company; when and to what officer. If company is aggrieved by assessment, etc., may file petition before board of public works; when.

Board have power to correct errors, etc.

When auditor may correct errors, etc.

Proviso as to when application must be made.

When company to pay taxes. Deduction if promptly paid. When ten per centum added to amount Auditor to certify to sheriff amount of taxes etc., in his county. Duty of sheriff.

How such taxes collected and accounted for.

Proviso as to county authorities compromising or remitting taxes.

Auditor to account to sheriff of each county for county levies and sheriff to account to county court.

Am't. paid in for school purposes; how disposed of and paid.

Auditor to certify to county court, amount sheriff is chargeable with; when.

petition before the board of public works any time before the tenth day of January, asking for a correction of the same; and said board shall have power to correct errors in the valuation of the said property of any such company. In case it be claimed by the company that any error has been made, either by the clerk of the county court or the secretaries of the boards of education, in certifying the rate of their levies in the apportionment of the value of the property to the district, the auditor may, if it be shown by a corrected certificate of the clerk of the county court or the secretary of the board of education, as the case may be, or a certified order of the county court, making a correct apportionment, that error has been committed, correct such error. *Provided*, The application be made for such corrections at any time before January tenth in each year. And it shall be the duty of such company so assessed and charged to pay the whole amount of such taxes and levies upon its property into the treasury of the state by the twentieth day of January next, after the assessment thereof, subject to a deduction of two and a half *per centum* upon the whole sum, if the same be paid on or before that day. If any such company fail to pay such taxes and levies by the said twentieth day of January, the auditor shall add ten *per centum* to the amount thereof to pay the expenses of collecting the same, and shall certify to the sheriff of each county the amount of such taxes and levies assessed within his county; and it shall be the duty of every such sheriff to collect and account for such taxes and levies in the same manner as other taxes and levies are collected and accounted for by him. And when the district and independent school district and municipal corporation taxes and levies are collected by him he shall immediately pay the same to the treasurer of the proper district or municipal corporation. *Provided*, The authorities of any county shall not be allowed to compromise or remit any portion of said taxes as certified to the sheriff. When such taxes and levies are paid into the treasury as herein provided, the auditor shall account to the sheriff of each of the counties to which any sum so paid in for county levies belongs, for the amount due such county and may arrange the same with such sheriff in his settlement for the state taxes in such way as may be most convenient, and the sheriff shall account to the county court of his county for the amount so received by him, in the same manner as for other county levies. The amount so paid in for each district and independent school district, shall be added to the distributable share of the school fund payable to such district, and paid upon the requisition of the county superintendent of free schools, in like manner as other school moneys are paid. The auditor shall certify to the county court of every such county, on or before the first day of February in each year, the amount with which the sheriff thereof is chargeable

on account of the levy upon the property of such company. He shall also certify to the county superintendent of free schools the amount of such levies due to each district and independent school district in his county. The amount so paid in for each municipal corporation shall, as soon as received by the auditor, be paid over to the treasurer of the municipal corporation to which such taxes are due. But the failure of the clerk of the county courts, or tribunals established in lieu thereof, or the secretaries of the board of education, to certify to the auditor the levies or apportionment within the time therein prescribed, shall not invalidate or prevent the assessment required by this section, but the auditor shall make the assessment and proceed to collect or certify the same to the sheriff as soon as practicable after he shall obtain the information necessary to make such assessment. The right of the state or of any county, or district, or municipal corporation to enforce, by suit, or otherwise, the collection of taxes or levies heretofore assessed or the right to which has heretofore accrued shall not in any manner be affected or impaired by anything in this chapter contained. All buildings and real estate owned by such company, and used or occupied for any purpose not immediately connected with its railroad, or which is rented for any purpose to individuals, shall be assessed with and taxes shall be paid thereon the same as other property of the like kind belonging to an individual. Each of said commissioners shall be paid out of the treasury of the state three dollars per day for each day he shall be actually and necessarily employed in the discharge of his duties under this section, and five cents per mile for each mile of necessary travel by him in going and returning in the discharge of his duties. Vacancies in the board of commissioners shall be filled and new boards may be appointed from time to time by the board of public works when necessary to carry into effect the provisions of this section.

Also, to county superintendent of schools, amount of levies for school purposes. Amount paid in for municipal corporations, auditor to pay to treasurer of corporation. Failure of the proper officers to certify to auditor the levies, etc., within the time herein prescribed not to invalidate or prevent assessment.

Right to enforce by suit or otherwise the collection of taxes heretofore assessed, etc., not to be impaired.

Buildings and real estate rented, etc., to individuals, how taxed.

Compensation of commissioners and how paid.

Vacancies, how filled and new boards appointed.

Making up the Personal Property Book.

68. From the information obtained as aforesaid, the assessor shall proceed to make up his personal property book as follows: He shall enter therein the names of the owners of personal property and of other persons liable to capitation tax, alphabetically arranged by districts, and opposite the name of each person, in separate columns the persons and subjects of taxation with which he is chargeable, that is to say: The number of white male residents over the age of twenty-one not exempt from taxation on account of bodily infirmity; the number of colored male residents over the age of twenty-one not exempt from taxation on account of bodily infirmity; the number of horses, mules, asses and jennets and the value thereof; the number of cattle and the value thereof; the number of sheep and

Personal property books.

the value thereof; the number of hogs and the value thereof; the value of farming and garden utensils and implements, of agricultural products and products of animals not exempt from taxation; the number of carriages, carryalls, gigs, buggies and vehicles and the value thereof, (not including those constituting part of the stock of a merchant or manufacturer, or those included as farming utensils); the number of watches and clocks and the value thereof, (not including those constituting part of the stock of a merchant or manufacturer); the number of piano-fortes and melodeons and the value thereof, (not including those constituting part of the stock of a merchant or manufacturer); the value of all gold and silver plate and jewelry, (not including such articles constituting part of the stock of a merchant or manufacturer, or articles before enumerated); the value of household and kitchen furniture, (not including articles before enumerated); the value of the property and capital (excluding real estate and articles exempt from taxation, but including money, credits and investments not exempt from taxation whether due or not, and whether in or out of the state,) employed by any corporation, firm or individual, in any trade or business, after deducting debts as allowed by sections fifty-two and sixty-five of this chapter; all money, and the value of all credits and investments not otherwise assessed nor exempt from taxation whether due or not, and whether in or out of the state, after deducting debts as aforesaid; the value of toll bridges and ferries; the amount of money, bonds and evidences of debt under control of receivers and commissioners, and amount deposited or invested by order of court to the credit of any suit; value of all personal property not exempt from taxation nor otherwise assessed, including the shares of stock held by any person in any bank doing business within this state; and it shall be the duty of any officer of such bank who may be called on for that purpose to furnish the assessor with the names of all stockholders in such bank who are non-residents of the state and the amount of stock held by each of them therein. *Provided*, That the shares of stock held by the state in any bank shall be exempt from taxation; tax for state purposes; tax for free school purposes; whole amount of tax due for state and state free school purposes from each corporation, firm and individual, exclusive of taxes assessed on land book; taxes for county purposes; tax for district free school purposes; tax for school building purposes; whole amount for school and building purposes; tax for road and bridge purposes.

Bank stock.
Proviso as to
stock held by
state.

Taxes omitted
in former years
to be entered,
etc.,

69. If the assessor discover that any taxes on personal property were omitted in any former years, not exceeding five, he shall enter the same, with interest thereon, in his personal property book.

Rules Applicable Both to the Land Book and Personal Property Book.

70. The assessor shall add up the columns of figures on each page of his land book and personal property book so as to show at the bottom of each page the aggregate of each column, and at the end of each district list he shall enter the aggregate from the bottom of the respective pages pertaining to such district, with reference to the pages from which he has transferred the said aggregates; and then add up the same so as to show the total of each column for the whole district. The totals thus ascertained for the several districts shall be transferred, with proper references, to the end of each book, and there added up, so as to show the total of each column for the whole assessment district.

Assessor to add up columns, etc. Totals, what to show.

71. The assessor shall make a particular report, under oath, to the clerk of the county court of his county, of all his own property subject to taxes in his assessment district, showing the whole amount of taxes chargeable to him therefor. He shall enter his own property and the taxes chargeable thereon, upon his books in like manner as those of other persons are entered. For failing to perform any duty required of him by this section he shall forfeit fifty dollars.

Assessor to report his own property; how and to whom.

Penalty for failure.

72. In any case in which, in consequence of there being no assessor, or from any other cause, a land book or personal property book was not made out for any assessment district for any year since the twentieth day of June one thousand eight hundred and sixty-five; or if any such book be not made out for any year hereafter, the assessor for such district shall proceed to make out the proper books for such year, according to the rate of taxation prescribed therefor by law. The like proceedings shall be had with and under such books, and for the collection of the taxes therein charged, as if the said books had been duly made during the year to which they relate.

Books for former years; when and how made.

Proceedings in such cases.

73. If by reason of war, insurrection, riot, forcible resistance to the execution of the laws, or imminent danger thereof, the assessor cannot perform his duties in his district, or any part thereof, he shall nevertheless proceed to make his assessment by reference to the former land and personal property books, or upon the best information he can obtain, and like proceedings may be had for the collection of taxes thus charged, as if such assessment had been regularly made.

Duty of assessor if interrupted by war, etc.

Collection of taxes in such cases.

74. If the land book for any district be destroyed or removed so that the same cannot be used for reference by the assessor of such district, and no reliable copy thereof can be obtained, the auditor, with the consent and ap-

If land book be destroyed, how reassessment of lands may be made.

proval of the governor, may appoint one or more commissioners to reassess the lands in such district and make up a new land book therefor, and with the like consent and approval, may allow them such compensation as shall be deemed reasonable.

Compensation.

Proceedings of the Assessor After the Books Are Made Out.

Copies of personal property book to be made by assessor.

To whom presented together with list.

Duty of clerk. Assessor to attend at office of clerk and assist. Clerk to point out errors. Errors, how corrected.

Books, when and how certified by clerk. Form of certificate.

Oath of assessor to personal property books.

Certificate of officer administering oath.

75. The assessor shall make three fair copies of his personal property book, and when the same shall be completed, shall present them, together with the the list mentioned in the fifty-seventh section of this act, to the clerk of the county court of the county, who shall, with such assistance as may be necessary, compare the books with the said lists, and examine them in such other way as his information will enable him to do. The assessor shall attend at the office of the clerk, and shall assist at the examination so far as he may be desired by the clerk. The clerk shall point out to the assessor such errors, if any, as in his opinion may exist in any of the books and every such error shall be corrected; but when the clerk and assessor cannot agree as to the propriety of such correction, the matter shall be submitted to the prosecuting attorney for the county, and they shall conform to his decision. When the examination is completed and the additions and recapitulations required by law have been made and found to correspond in each of the said books, the clerk shall append to each of said books a certificate to the following effect: "I hereby certify that I have examined and corrected the foregoing book in the manner required by law, and that the additions, proofs and recapitulations required by law have been made and correspond with the two other property books examined by me;" to which certificate the clerk shall affix the proper date and his signature and official designation.

76. As soon as such comparison and examination shall have been completed, the assessor shall make and subscribe the following oath at the foot of each of the three copies of the personal property book: "I, _____, assessor of the county of _____, (or assessor of _____ district, of the county of _____, as the case may be) do swear (or affirm) that in making the foregoing assessment, I have, to the best of my knowledge and ability, pursued the laws prescribing the duties of assessors, and that I believe the entries of the list, the additions, proofs and recapitulations in the foregoing book are correct, and the same are alike in words and figures, to the other two copies of the personal property book made by me for my district in this year. So help me God." And the officer before whom the oath is taken shall annex the following certificate; "Sworn to and subscribed before me, a _____, for the county of _____, on this _____ day of _____;" which certificate shall be subscribed by the officer administering the oath.

77. He shall also make three fair copies of the land book, and when the same are completed, he shall present them to the clerk of the county court of the county, who shall, with such assistance as may be necessary, compare each copy thereof with the land book of the preceding year, and, when necessary, shall examine the records of his office and such transcripts, abstracts or statements from other officers as may be in the possession of the assessor. He shall point out to the assessor such errors, if any, as in his opinion exist in any of the books, and correct the same; but if the assessor does not concur as to the propriety of such correction, the matter shall be submitted to the prosecuting attorney for the county, and they shall conform to his decision. When the examination is completed and the additions and recapitulations required by law are made in each of the said books, the clerk shall append to each of them a certificate to the following effect: "I hereby certify that I have carefully examined the foregoing land book; that I have compared it with the land book for the preceding year, with the records of my office where necessary, and with such lists, abstracts and statements from other officers as the assessor laid before me; that such errors as were found in said books were corrected by me according to law, and that the additions and recapitulations correspond with the two other land books examined by me." To which certificate the clerk shall affix the proper date and his signature and official designation.

Copies of land book to be made by assessor. To whom presented. Clerks duty.

Errors to be pointed out and corrected; how.

Certificate to land book; when and to whom made. Form of certificate.

78. As soon as such comparison and corrections have been made, the assessor shall make and subscribe the following oath at the foot of each of the land books: "I _____, assessor of the county of _____ (or of the _____ district in the county of _____ as the case may be), do swear (or affirm) that in making out the foregoing land books I have to the best of my knowledge and ability, pursued the law prescribing the duties of assessors and have faithfully discharged the duties required of me in assessing improvements upon lands, and that I believe the entries, additions and recapitulations are correct, and like the two other copies of the land book made by me for my district in the present year;" and the officer before whom the oath is taken shall annex thereto the following certificate: "Sworn and subscribed before me, _____, a _____ for the county of _____, on the _____ day of _____," which certificate shall be subscribed by the officer making it.

Oath of assessor to land book.

Certificate of officer administering the oath.

79. After the land book and book of personal property have been corrected and certified as required by sections seventy-five, seventy-six, seventy-seven and seventy-eight of this chapter, the assessor shall on or before the first day of August next ensuing, deliver one copy of the personal property book, together with the list mentioned in the fifty-seventh section of this act, and one copy of the land

One copy of each book, with list, to be delivered to clerk of county court; when.

To be preserved by clerk in his office.
Free for inspection.
Copies may be had.
Such books to serve for laying county levy.

book to the clerk of the county court of the county to be by him carefully preserved among the records of his office, free for the inspection of any person, and a copy of either or any portion thereof may be had at the charge of the person desiring the same; and such copy of the land book and personal property book shall also serve for laying the county levy.

Copy of each book to be delivered to sheriff etc.; when.

80. The assessor shall deliver another copy of each of said books to the sheriff or collector of the county on or before the tenth day of September in each year; such copies shall be his guide in the collection of the taxes therein assessed. A delivery of such copies to the clerk of the county court in his office shall be a sufficient delivery to the sheriff in case the assessor fail to find the sheriff when the copies aforesaid are ready for delivery.

What deemed a delivery to sheriff, when sheriff cannot be found.

Remaining copies to be delivered to auditor; when.
Certificate to be appended.

81. The remaining copies of each of said books shall be transmitted by the assessor to the auditor on or before the fifteenth day of September, with a certificate affixed thereto, or written thereon, stating that he has delivered duplicates thereof to the sheriff or collector of the county, and the time of such delivery.

To be guide for auditor in settling with sheriffs.
Admitted as evidence; when.

The said copies shall be a guide to the auditor in auditing the accounts of such sheriff or collector, and shall be admitted as evidence in any proceedings against such sheriff or collector in relation to the taxes entered therein.

Assessor may require receipts for books.

82. The assessor may require of the officer to whom the said copies are delivered or transmitted, an acknowledgment in writing of the receipt thereof.

Original land and personal property books; how disposed of.

83. The originals of the land books and personal property books made out by him shall be retained by the assessor so long as he continues in office, and then be delivered to his successor, as provided for in the sixth section of this chapter.

Penalty on Assessor for Failing to Perform His Duty.

Penalty on assessor, for making false entries, etc.

84. If any assessor knowingly make a false entry, addition or recapitulation in his land book, or personal property book, or in any copy of either, he shall, for every such offense, forfeit three hundred dollars.

Penalty for failure to perform certain duties.

85. If any assessor fail to perform any duty required of him by the seventy-fifth, the seventy-sixth, the seventy-seventh or seventy-eighth section of this chapter, he shall forfeit for every such failure not less than fifty nor more than three hundred dollars.

Further penalty for failure.

86. If any assessor fail to deliver the books at the time prescribed by sections seventy-nine, eighty and eighty-one, of this chapter, he shall forfeit fifty dollars; and if he fail to perform any other duty required of him by law,

and there be no other penalty imposed by law for such failure, he shall forfeit for every such failure not less than ten nor more than fifty dollars.

Compensation of Assessors.

87. Each assessor shall be entitled to the following fees : Fees of assessors.
 For making an entry or assessment of any parcel of land under the tenth section, one dollar for every such parcel, to be paid by the owner.

For making an assessment under the twenty-fifth section, one dollar, for which the parties among whom the land is divided shall be jointly and severally liable ; and where the assessor's decision is confirmed by the county court, the party complaining shall pay the costs incurred by the application to the said court.

For making an entry transferring lands before charged to any one person unto another, and striking the same from the land books in the name of the grantor in the deed or any former owner seventy-five cents, which shall be charged to the person to whom the transfer is made, and be a compensation for all land in the assessor's district conveyed or passing to such person, by the same deed, decent or devise, and the ticket made out for such fee shall state that the same is for the transfer and correcting the land books.

For entry of a grant according to the twenty-second section, a fee of twenty-five cents from the grantee, and fifty cents from him for assessing the land so granted.

88. The assessors may make out tickets for their fees and place them in the hands of the sheriff or other officers, to be collected and accounted for in the same manner that the fees of the clerks of a county or circuit court are collected and accounted for. The assessors shall be subject to the same penalties as the said clerks for issuing fee bills wrongfully. How collected. Penalties for issuing fee bills wrongfully.

89. Every assessor shall be entitled to receive in consideration of his services, to be paid out of the county treasury, as other claims against the county are paid, such reasonable compensation as the county court may determine, not less than one hundred and fifty nor more than two hundred and fifty dollars per annum, or he may, at his election, be allowed a commission of three *per centum* on the amount of state taxes assessed by him on the property of his county or assessment district. Which allowance shall be in addition to the fees allowed in section eighty-seven of this act, and shall be in full for all services performed under the provisions of this chapter including the extension of the levies, for state, free school, county and district purposes, and for services performed under the provisions of this chapter. The clerk of the county court shall Compensation of assessor to be paid by county in addition to his fees.

Allowance to clerk of county court; how paid. be entitled to receive such reasonable compensation as the county court may allow, to be paid from the county treasury.

Postage account etc., assessors, how verified and paid. 90. The auditor shall draw his warrant on the treasurer in favor of the several assessors for all postage advanced by them or express charges paid by them in the transmission of their books or correspondence touching the duties of their office, the accounts for which shall be verified by their affidavits, and shall be paid out of the fund appropriated for contingent expenses of the auditor's office.

When pay of assessor may be refused or reduced by court. 91. Unless the assessor exhibit to the county court the receipts of the proper officers, showing that the copies of the land book and personal property book have been delivered within the time prescribed in this chapter, or show to the satisfaction of the court that any delay which may have occurred was unavoidable the court may refuse him any compensation or may reduce his commission or allowance, as to them may seem right and proper.

When and in what manner compensation of assessors may be apportioned etc. 92. When one assessor begins in any year, and the office becomes vacant before the services to be rendered by him in that year are fully performed, in consequence whereof another is elected or appointed who completes the same; the sum to be paid for the whole service of the assessors in that year shall be apportioned by the county court between the assessor last mentioned and the former, according to the services by them respectively performed. If, however, in consequence of any failure to deliver up books or papers which the former had, the latter has to proceed to take the list of taxable property, and do all that he would have to do in case there had been no previous assessor that year then he shall receive all the compensation for the said year.

When assessor appointed to fill vacancy, entitled to whose compensation.

92. When one assessor begins in any year, and the office becomes vacant before the services to be rendered by him in that year are fully performed, in consequence whereof another is elected or appointed who completes the same; the sum to be paid for the whole service of the assessors in that year shall be apportioned by the county court between the assessor last mentioned and the former, according to the services by them respectively performed. If, however, in consequence of any failure to deliver up books or papers which the former had, the latter has to proceed to take the list of taxable property, and do all that he would have to do in case there had been no previous assessor that year then he shall receive all the compensation for the said year.

Relief Against Taxes Erroneously Assessed.

No alteration of books after verification. 93. After the assessor shall have verified and delivered the copies of the land book, or the books of personal property, no alterations shall be made by him in either, affecting the taxes of that year.

Person aggrieved by entry in either book, or assessment of license tax may obtain redress; how and when. 94. Any person aggrieved by any entry in either book or with any assessment of a license tax or the valuation of any lands or buildings may within two years after the date of the verifications, where the entry is in either book, and within twelve months from the assessment of said license tax, apply for relief to the county court of the county wherein the assessor gave bond and qualified. But he shall, before any application is heard give reasonable notice to the prosecuting attorney of the county, whose duty it shall be to attend to the interest of the state, county and district in the matter.

Notice.

95. If the county court be satisfied that the applicant is erroneously charged on such book or so assessed with any

taxes on licenses it shall certify the fact upon which it grants relief and shall order that he be exonerated from the payment of so much as is erroneously charged, if not already paid, and if paid, that it be refunded to him.

Duty of county if applicant is not erroneously charged, etc. Order of court in such cases.

96. Such order, delivered to the sheriff or other collecting officer, shall restrain him from collecting so much as is erroneously charged, or if the same has already been collected, shall compel him to refund the money if such officer has not already paid it into the treasury and in either case it shall be a sufficient voucher to entitle the officer to a credit for so much in his settlement with the auditor.

Such order to whom delivered. Effect of, as respects refunding of money. Voucher for sheriff in settlement with auditor.

97. If what was erroneously charged has been paid into the state treasury, the order of the county court, attested by its clerk shall entitle the claimant to a warrant on the state treasury for the amount thereof. *Provided*, That application for the same be made to the auditor within one year after the date of said order.

If money erroneously charged has been paid into state treasury; how recovered. Provisions to when application may be made.

98. The county court of each county shall have jurisdiction to hear, try and determine all applications to correct the assessment of lands, lots, and personal property in their respective counties. But appeals, writs of error and *supersedeas*, to the circuit court shall lie as prescribed in section eight of this chapter to any final ruling or decision of the county court.

County courts have jurisdiction to correct assessments; with right of appeal, etc., to circuit courts.

The Grand Jury to Inquire into Violations of the Revenue Laws.

99. It shall be the duty of every assessor the prosecuting attorney for the county a list of every violation of the revenue laws, committed by any person other than himself showing the nature and character of each violation. And it shall be the duty of such attorney to deliver such list to the foreman of the grand jury, who shall treat it as having been especially delivered in charge to the grand jury. The said foreman, after the grand jury is discharged, shall return said list to the clerk of the court, to be preserved and filed in his office. It shall also be the duty of the circuit and county courts to charge specially the grand juries to inquire into all the violations of the revenue laws by the assessor.

Duty of assessor and prosecuting attorney, as to violations of the revenue laws, etc.

For assessor to return list to clerk.

Duty of clerk as to list. Circuit and county courts to charge specially the grand juries to inquire, etc.

100. The words "tax," "taxes," "taxable," and "taxation" in this act shall be deemed to include county, district, and municipal corporation levies in all cases not inconsistent with the context.

Definition of words "tax," "taxes," "taxable" and "taxation."

101. Taxes for county, district, city, town, and village purposes shall be levied only upon the values of property ascertained for state purposes. *Provided*, That this section shall not apply to taxes for city purposes in cities of more than ten thousand inhabitants.

Taxes for county, district, city, etc., purposes.

Act relating to
Bruen survey
not repealed.

102. This act shall not be construed to repeal an act passed on the twenty-eighth day of February, one thousand eight hundred and seventy-two, in reference to the Bruen survey of land.

Chapter 28 of
code and chap-
ter 54, acts 1873,
etc., repealed.

103. Chapter twenty-nine of the code, chapter fifty-four of the acts of one thousand eight seventy-five, and all acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXIV.

AN ACT to amend and re-enact sections six, eight, nine, ten, nineteen, twenty-eight, twenty-nine, forty-three, fifty-four, fifty-five, sixty-one and eighty-seven of chapter one hundred and twenty-three of the acts of one thousand eight hundred and seventy-two and three; and also sections two, four, thirteen and fifty-two of the same chapter, as amended and re-enacted by chapter seventy-seven of the acts of one thousand eight hundred seventy-seven; and also section seven of the same chapter, as amended and re-enacted by chapter thirty-one of the acts of one thousand eight hundred and seventy-seven.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

Sections amend-
ed and re-enact-
ed.

1. That sections six, eight, nine, ten, nineteen, twenty-eight, twenty-nine, forty-three, fifty-four, fifty-five, sixty-one and eighty-seven of chapter one hundred and twenty-three of the acts of one thousand eight hundred and seventy-two and three; and also sections two, four, thirteen and fifty-two of the same chapter, as amended and re-enacted by chapter seventy-seven of the acts of one thousand eight hundred and seventy-seven; and also section seven of the same chapter, as amended and re-enacted by chapter thirty-one of the acts of one thousand eight hundred and seventy-seven, be, and the same are hereby amended and re-enacted, so as to read as follows:

"2. A county superintendent of free schools in each county shall be elected by the voters thereof on the first Tuesday of August, one thousand eight hundred and seventy-nine, and in every second year thereafter, whose term of office shall commence on the first day of September next after his election, and continue for two years and until his successor shall be elected and qualified according to law. There shall be elected at the same time, in each district of the county, by the voters thereof, a president and four commissioners, who shall constitute the board of education for the district, whose term of office shall commence on the first day of September next after their election, and continue for two years and until their successors shall be elected and qualified according to law. No person shall be eligible to more than one office, under the provisions of this act, at the same time. The voting at said election shall be by ballot, and the same shall be held in each district of the county at the several places of voting therein for state officers and members of the Legislature; and it shall be the duty of the board of education of each district to give at least three weeks' notice of such election by posting the same at each place of voting and at such other places as they may deem necessary. Poll books for said election shall be prepared by the board of education of each district for the several places of voting therein, and delivered to the commissioners, or some of them appointed to superintend the election at such place of voting, before seven o'clock A. M., of the day on which the election is held. The court of each county and the proper court or other tribunal of each city shall, before every election to be held under the provisions of this act, appoint three commissioners at the court house, and the like number at each place of voting in the county or corporation at which a poll is to be taken under the provisions of this act, to superintend the said election, and the said election shall be superintended, conducted and returned, and the result thereof ascertained, in all respects as is provided for by law in regard to the election of county and district officers, and all the provisions of the law in regard to general elections, shall, as far as applicable, govern and apply to elections held under the provisions of this act. In case of a tie in the vote for members of the board of education, the county superintendent of free schools shall give the casting vote; and in case of a tie in the vote for county superintendent of free schools, the president of the several boards of education in the county shall, at a meeting called for that purpose, at the court house of the county, by the clerk of the county court, not less than six nor more than twelve days after the result of such election is ascertained, appoint one of the persons receiving the highest number of votes for said office at said election as county superintendent of free schools, who shall give notice to the state superintendent of his appointment. A

County superintendent; when elected.

His term of office, when to begin, how long to continue.

Board of Education; when elected. When term of office to begin and how long to continue.

Eligible to only one office at same time. Voting to be by ballot. Where to be.

Notice to be given.

Poll books; who to prepare and deliver them, and at what time.

Commissioners of election; how appointed.

Election, how superintended, conducted, etc.; and result ascertained.

Provisions of law in regard to general elections to govern.

Tie vote for members of board of education; who gives casting vote. Tie vote for county supt.; how determined and when.

Notice of such meeting; by whom given.

notice of such meeting shall be made out by the clerk of the county court, and served upon each president of the board of education in the county; at least three days before the day of such meeting, by the sheriff or other officer to whom the same may be delivered to be served. The ballots used at said election shall have written or printed thereon the words "for school levy," or "against school levy," as the voter may choose; and if a majority of the ballots cast in a district have written or printed thereon "for school levy," it shall be the duty of the board of education to make the levies required by the thirty-eighth and fortieth sections of this act, for each year during its term of office; but if a majority of the ballots cast in a district have written or printed thereon "against school levy," no levy shall be made by said board for the year next succeeding. But it shall be the duty of said board to

How served. Ballots for levy, what to have written or printed thereon. Majority vote required to authorize levy.

Special election for levy; when. Notice of such election; when and how given.

cause a special election to be held on the same day in the following year, at which the question of levy or no levy shall, in like manner, be again submitted to the people for their decision; and if a majority of the ballots cast at such special election be "for school levy," such levy shall be made as hereinbefore required. Of every such special election the clerk of the board of education of the district shall give notice by posting the same at each place of voting in the district, at least ten days before the day on which the same is to be held. The commissioners appointed under this act shall receive no compensation for their services.

Commissioners to receive no pay.

Trustee; when and how appointed.

"4. At a meeting of the district board of education, held on the first Monday of September, one thousand eight hundred and seventy-nine, they shall appoint one intelligent and discreet person as trustee for each sub-district of their district; and the said trustee shall hold office for the term of two years, and until his successor is appointed and qualified.

His term of office.

When board of education to hold a meeting in each year. Duties of board at the meeting.

"6. The board of education for the several districts shall hold a meeting on the first Monday in September in each year. At this meeting they shall make the levy required by the thirty-eighth and fortieth sections of this chapter and determine the number of months the school shall be held in the district, the number of teachers that may be employed in the several sub-districts and fix their salaries. In determining the salaries they shall have regard to the grade of teachers' certificates, fixing to each grade the salary that shall be paid the teachers of said grade, and in no case shall they transcend the salary so fixed in any contract they may make with the teacher, but the teachers may contract for a less salary than that fixed by the board. A quorum of the board of education shall consist of a majority of the members thereof, and in the absence of the president one of said members may act as such; but they shall do no official business, except when assembled as a

How salaries of teachers to be determined. Not to transcend salary. Teachers may contract for a less salary.

When only authorized to do official business

board, and by due notice to all the members thereof, but the president and secretary of said board may sign orders upon the sheriff in vacation when authorized by an order of the said board entered on their record. All school officers shall, before entering on their duties as such, take the oath of office prescribed by law before some person authorized to administer oaths.

Orders may be signed in vacation. School officers required to take oath of office.

"7. The board of education shall be a corporation by the name of 'the board of education of ——— district of ——— county,' and as such may sue and be sued, plead and be impleaded; which boards of education shall be substituted to all the rights of the boards of education of the townships heretofore existing of which they are the successors, and shall have power and authority to sue for and recover in the name of 'the board of education of ——— district of ——— county,' successor to the board of education of ——— township of ——— county all money and property heretofore vested in, due to or controlled by said board of education of ——— township of ——— county for school purposes. They shall receive, hold, use and dispose of, according to the rules of law and the intent of the instrument conferring title, any gift, grant, devise or bequest made for the use of any free school or schools under their jurisdiction, and without any transfer or conveyance, shall be deemed the owner of the real and personal property of the former township for which their district was substituted. Process and notice may be served on said corporation by delivering a copy thereof to the secretary, or any two members of the board. And all suits or proceedings now pending in any of the courts of this state in which any or either of the boards of education of the former township, or any other person is plaintiff against the board of education of a township, are hereby made valid, and shall hereafter be prosecuted or defended in the name of the board of education of the district, if such board be a defendant, which is the successor of the board of education of the township in favor of which or against which the liability is, and the board of education of each and every district is hereby made liable for all claims and demands owing to any and all persons by the board of education of the township of which it is the successor.

Board of education to be a corporation.

Powers of such board and to what rights substituted.

Power of board as to any gift, devise, etc., made for use of free schools.

Deemed owner of certain real and personal property, without any transfer, etc. Process and notice: how served on board.

Certain suits and proceedings now pending, made valid.

How prosecuted and defended.

Liability of board as to claims, etc., owing by board of which it is the successor.

"8. The board of education, at their meeting to be held as provided in section thirteen, of this chapter, shall appoint a secretary, not a member of the board, who shall attend all meetings of the board and record all their official proceedings in a book kept for the purpose, which record shall be attested by his signature and the signature of the president of the board; which record shall, at all reasonable times, be open to the inspection of any person interested therein; he shall have the care of all the papers belonging to the board containing evidence of title, con-

Secretary of board of education; his duties, and when appointed.

tracts or obligations, or which are otherwise valuable, and preserve the same in his office, properly arranged for reference; and shall record and keep on file in his office such papers and documents as the board or law may direct. He shall keep such accounts, and prepare and certify such reports and writings, pertaining to the business of the board, as the board or law may direct. He shall publish, within three days after any meeting of the board of education, an abstract of the proceedings thereof, by posting the same at the front door of the place of meeting. He shall also have authority to administer oaths to the school officers, in all cases where they are required to take an oath as such. For his services as secretary he shall receive such compensation as the board may determine, not exceeding fifteen dollars per year, to be paid out of the building fund, by an order drawn by the board of education, when, after an examination of said secretary's books by the county superintendent, they are found to be correct. But such order shall not be drawn until the said secretary shall have made his annual report to the county superintendent, as hereinafter provided.

Authorize to administer oaths. His compensation; how determined and paid.

To make annual report before receiving pay.

Board of education to have general control of schools. Determine number and location of schools may change boundaries of sub-district and increase or diminish number, etc. *Proviso* as to villages consisting of fifty inhabitants. When change of sub-district to take effect. *Provision* as to village divided by district or county lines. District and sub-district lines to be entered of record.

Duty of board to have school kept in every sub-district, etc.

Who may attend such schools.

"9. The board of education shall have general control and supervision of the schools and school interests of their districts; they may determine the number and location of the schools to be taught; they may change the boundaries of their sub-districts, and increase and diminish the number thereof, having due regard for the school houses already built, or sites procured, assigning, if practicable, to each district not less than fifty youths between the ages of six and twenty-one years; *Provided*, That every village consisting of fifty inhabitants or more, shall be included in one sub-district; and, *Provided further*, That no change in any sub-district shall take effect except immediately after the annual apportionment of the general school fund. When such village as is mentioned in this section is divided by district or county lines, the said village shall be included in the sub-district to be under the supervision of the board of education of the district to which the largest division of territory is attached. And said board shall define and enter of record in the office of their secretary, the several district and sub-district lines.

"10. The board of education shall cause to be kept in every sub-district of their district, by a teacher or teachers of competent ability and good morals, a sufficient number of primary schools for the instruction of the youths therein. The following persons, when residing in a sub-district with intent to make such district their home, shall have the right to attend and receive instruction at the primary schools thereof, that is to say: Every youth between the ages of six and twenty-one years shall have such right; and any person wishing to receive instruction at any free school in this state, shall have a right to attend

such school, and the teacher or teachers there employed shall give instruction to such person the same as is required by law for other persons upon the payment of tuition fee. Said tuition fee shall be paid in advance to the sheriff or collector who shall give duplicate receipt therefor, one of which said receipts shall be delivered to the secretary of the board of education of the district, and all such fees shall be placed to the credit of the teachers' fund of the said district. Said tuition fee shall not exceed one dollar and twenty-five cents per month.

Any person may attend upon payment of tuition fee, when and to whom such fee paid. To go to credit of what fund.

Fee limited.

"13. The board of education shall hold a meeting on or before the first Monday in September in each year, and shall choose a sufficient number of teachers for all the schools to be taught in the several sub-districts of their district, and assign each teacher to his or her respective school; and in case there are not a sufficient number of applicants to teach all the schools in the district, or the board should fail to choose all the teachers needed or required, the said board may do so at a subsequent meeting or the president of said board of education may appoint the teachers if the said board should fail or refuse to choose the teachers as required by this section. All contracts with teachers shall be in writing according to the form furnished by the state superintendent of free schools, and shall be signed by the president of the board of education and the teacher contracted with; said contract shall be filed with the secretary of the board of education. Any teacher so appointed may be removed by the trustee or by the board of education for incompetency, neglect of duty, intemperance profanity, cruelty or immorality. The trustee may exclude from any school under his charge a person having a contagious or infectious disease, and he may suspend or expel any scholar found guilty of disorderly, refractory, indecent, or immoral conduct, and may refuse to admit such scholar again to the school until satisfied that he will properly conduct himself thereafter, but his action in each particular, shall be subject to the revision and correction of the board of education. Any trustee may, for good cause shown, be removed from office by the board of education upon ten day's notice, in writing, of the cause alleged for his removal, and of the time and place the board will take action thereon. Whenever, at the end of any school month, the daily average attendance for that month has been less than thirty-five per cent of the whole number of pupils enumerated in the sub-district, the trustee shall dismiss the teacher and discontinue the school, unless otherwise directed by the board of education; and no high school shall be continued if at the end of any school month it has not had the daily attendance of twenty-five scholars.

Teachers, appointment of, when and how made. Assignment of teachers to schools. Subsequent meetings of board to choose teachers; when.

When president of board may appoint.

All contracts with teachers to be in writing.

By whom signed. Where contract filed.

How teacher removed and for what.

Trustee may exclude and suspend, etc., any scholar from school; for what.

But board may revise, etc., such action. How trustee may be removed.

When trustee may discontinue a school, unless, etc.

When high school discontinued.

"19. The board of education of each district and independent school district, shall require the teacher or

Annual enumeration of youth; when and by whom made. Between what ages.

Enumeration to be in two classes.

How verified. To whom and when returned.

Penalty on teacher for failure.

No teacher to serve on jury.

Secretary of board to keep a record of enumeration, and transmit annually certified copy to county supt; when. If enumeration not received by county supt. before 20 April, he must employ some one to make it, etc. Compensation; how allowed and paid.

When county supt. to forward enumeration to state supt.

Who to furnish blanks for enumeration.

Teacher not to be employed without certificate, in duplicate, of qualification.

When to be issued. Duplicate, when filed.

teachers in each sub-district or independent school district, annually, before the close of the school or schools, not later than the first day of April, to make an enumeration of all the youths resident in such sub-district or independent school district, who shall be over six years and under twenty-one years old on the first day of September following, distinguishing between male and female, white and colored. The enumeration shall be taken in two classes as follows: One class shall contain all youths between the ages of six and sixteen years, and the other the youths between sixteen and twenty-one years respectively. The enumeration shall be verified by the affidavit of the teacher who took the same, before some person qualified to administer oaths, to the effect that he used all means in his power to make it, and believes it to be correct, and shall return such enumeration to the secretary of the board of education of the district with the term report of such school; and unless such enumeration be properly taken and returned, the teacher shall not be entitled to demand payment of the balance due on his salary. No teacher in this state shall be required to serve on any jury while his school is in actual operation. The secretary of the board of education shall keep a record in his office of the enumeration of youth so taken and shall annually on or before the fifteenth day of April, transmit a certified copy of such enumeration to the county superintendent of his county. When such enumeration for any district or sub-district shall not be received by the county superintendent before the twentieth day of April in any year, it shall be his duty, without delay, to employ a competent person to take and verify the same as aforesaid. The person taking and verifying such enumeration shall be paid a reasonable compensation, to be allowed by the board of education, not to exceed two dollars per day for the time necessarily consumed, and paid by an order of said board, signed by the president and secretary, out of the building fund of such district. In either case the county superintendent, as soon as he receives the enumeration for any district or independent school district, shall forward to the state superintendent of free schools a statement of the number of scholars therein. The state superintendent of free schools shall prescribe and furnish all blanks to be used for taking the enumeration of youth.

“28. No teacher shall be employed to teach in any public school of this state until he shall have presented to the directors, or board having charge of such school, a certificate, in duplicate, issued within a year next preceding his employment, of his qualifications to teach a school of the grade for which he applies; the duplicate of which shall be filed with the secretary of any board of education in the county in which the school is situated, and so endorsed on the original by the secretary; and no salary

shall be paid to any teacher unless such duplicate be filed as aforesaid. The board of examiners shall examine each candidate for the profession of teacher, who may apply to them, as to his or her competency to teach orthography, reading, penmanship, arithmetic, english grammar, geography, and history, if the application be for a primary school; and if the application be for a higher school, they shall examine the applicant as to his competency to teach the additional branches required for such schools, and if satisfied of the competency of the applicant to teach and govern such schools, and that he or she is of good moral character, they shall give a certificate in duplicate accordingly. *Provided*, That any teacher who has procured a number one certificate for three years in succession, shall be exempted from further examination for three years next succeeding the date of his last certificate. The county superintendent shall keep a register of all certificates awarded by the board of examiners, stating the character and grade of certificate and the time when issued. The county board of examiners shall issue no certificate, except upon an actual examination of the teacher, at the time it is granted, nor shall any such certificate be of force except in the county in which it was issued, nor for a longer period than one year; and the board of examiners may, upon proper evidence of the fact, revoke the certificate of any teacher within the county, for any cause which would have justified the withholding thereof when the same was granted, by giving ten days' notice to the teacher of their intent to do so. The board of examiners shall, at two stated periods in each year, agreed upon by themselves, of which they shall give due notice, hold public examinations, at which all applicants for certificates shall be required to attend; and should circumstances require it, the county superintendent may call extra meetings for the same purpose. County superintendents and members of the board of examiners may be employed to teach without the certificate required of other teachers. But should any member of a board of education, school trustee, or secretary, be employed as a teacher it shall vacate his office.

No salary paid unless duplicate, so filed.
Examination of applicants by boards of examiners to teach primary schools

To teach higher schools.

When and what certificates to be granted.

Proviso as to teacher who has received number one certificate for three successive years Register to be kept by county superintendent of all certificates awarded

No certificate to be issued except upon actual examination, etc.

To have no force except in county where issued, nor longer than one year.

Certificates may be revoked; when and how. Board of examiners to hold two public examinations; when.

Notice. When and how extra meeting called.

County superintendent and members of board to teach without certificates.

Employment as teacher vacates what offices.

“29. The following regulations shall be observed by boards of examiners with regard to examinations and granting teachers' certificates:

Regulations to be observed by board of examiners.

First—No applicant shall be admitted to an examination unless the board shall have reasonable evidence that he or she is of good moral character and temperate habits.

Applicant to be of good moral character, etc.

Second—No college diploma or certificate, or recommendation from the president or faculty of any college or academy other than the normal schools of this state, shall be taken to supersede the necessity of examination by the board of examiners; nor shall a certificate be granted to any applicant except after a careful examination upon each branch of study and upon the art of teaching.

No college diploma, etc. shall supersede necessity of examination, except normal school diploma.

Teachers to be graded in each branch as to proficiency.
 Certificates to be graded from one to three.
 Grade of merit of a number one number two and number three certificate.

No teacher to be employed who is graded under number three.
 Proviso as to colored teachers.

Normal diplomas accepted as certificates of qualification.

When annulled it ceases to confer the right to teach.
 Normal diplomas and professional certificates; how ranked.
 Board of education empowered to have holders of certificates examined.
 No fee for such examinations.

Assessor to make out and deliver to secretary of board of education a certificate showing value of all property in his district; when.
 Effect of such certificate.

Commission of sheriffs, etc. for collecting district levies.

Annual settlement with county court; when made and what to show.

To be recorded.

Third—Boards of examiners, and others herein authorized to confer certificates, shall state the teacher's grade of proficiency in each branch in which he is examined.

Fourth—They shall grade the certificate granted according to the following scheme, numbering them according to the merit of the applicant from one to three: A number one certificate shall indicate a grade of merit from eighty-seven to one hundred per cent; a number two certificate, a grade of seventy-seven to eighty-seven per cent; a number three certificate, a grade of sixty-seven to seventy-seven per cent.

No teacher shall be employed in any free school of the state unless he shall hold at least a number three certificate; *Provided, however,* That colored teachers may, if necessary, be employed upon a grading to be determined by the board of education of the district. Diplomas granted to students of the normal school department of the several normal schools of this state, as provided in the eighty-eighth section of this chapter, shall be accepted as a certificate of qualification to teach common schools throughout the state. But should such diploma be at any time annulled by the state superintendent, it shall no longer confer the right to teach. Normal diplomas and professional certificates, as provided for in this section, shall be ranked, for purposes of compensation, with number one, county certificates. *Provided,* That the board of education of the several districts shall have the power to require the holders of such certificates to be examined as other teachers, if, in their judgment, it be necessary; but no fee shall be charged for such examination.

"43. The assessor of every assessment district shall make out and deliver to the secretary of the board of education of each district and independent school district in his district, at least five days before the levy term of the county court of his county in each year, a certificate showing the aggregate value of all personal property and real estate, respectively, in such district or independent school district, which certificate shall serve as a basis for any levy that may be made for school purposes for that year.

"52. Every sheriff or collector shall be allowed three *per centum* commissions on the collection of all district levies for free school purposes. In addition to the settlements required with each board of education of a district, every sheriff or collector of school moneys shall also make annual settlements by districts with the county court of each county at its next term after the first day of September of each year, showing the amount of all moneys received and disbursed by him for the preceding year for school and building purposes, from state, and from the district and independent school district funds, and the amount due to each district: which settlement shall be made a matter of record by the clerk of said court, in a book to be kept for

that purpose. All accounts and vouchers required to be returned to the clerk of the county court by section forty-six of this chapter, shall be filed by said clerk in his office; and the file of each district shall be kept separately. If any sheriff or collector of school moneys shall fail to make the settlement required by this section, at the time required, he shall forfeit fifty dollars to the general school fund; and a like penalty shall be incurred by him for each subsequent term of the court that shall pass without such settlement. And the sheriff or collector shall, moreover, be charged with twelve per cent interest on all school moneys in his hands for the time he is in default in making the settlement required in this section, which interest shall be charged up against him when the settlement shall be made. A copy of the settlement made for the last year of the term of any sheriff under the provisions of this section, shall be transmitted by the clerk of the county court to the auditor, within thirty days after such settlement is made. The auditor, upon receiving said copy of the settlement, shall charge the sheriff, upon a book to be kept by him for that purpose, with the amount shown thereby to be due to the several districts. The sheriff, within ninety days after making such settlement, shall pay into the state treasury the amount due; and in case of his failure so to do, it shall be the duty of the auditor to proceed against him and his sureties, as in other cases, in the name of the state, to recover the same. The several amounts paid into the treasury under the provisions of this section, shall be drawn in favor of the respective districts upon the order of the county superintendent, in the same manner that the share of a county in the general school fund is drawn, as is provided for in section sixty-two of the school law of the state. When the sheriff or collector shall fail to make this settlement at the time required herein, it shall be the duty of the prosecuting attorney to proceed by action against him and his securities in the county court, to recover the fine imposed upon him by this section. Every sheriff or collector shall moreover be liable to any person injured in consequence of his failure to make the settlement herein required. This settlement shall extend back to the time when the sheriff became collector of district levies for school purposes. If any board of education fail to make the settlement, required by section forty-six of this chapter, with the sheriff, when requested by him to do so, each member of such board so failing or refusing, shall be fined twenty dollars, for the benefit of the school fund. The clerk of the county court shall transmit a copy of the settlement to the state superintendent of free schools, and also to the auditor, within ten days after the same has been made.

Accounts, etc., to be filed by clerk; how.

Penalty on sheriff for failure to make settlement.

Copy of settlement to be sent to auditor by whom, for what year and when.

Duty of auditor upon receipt of copy.

When sheriff to pay the amount due into treasury. Failure to do so, what then.

Amount so paid into treasury; how drawn, etc.

Duty of prosecuting attorney as to sheriff failing to make this settlement. Liability of sheriff to person injured by such failure. What time settlement to extend back to.

Penalty on board of education for failure to make settlement. Clerk to send copy of settlement to state supt. and auditor; when.

"54. The county superintendent shall be a person of good moral character, of temperate habits, of literary

his character and qualifications.

<p>His compensation.</p>	<p>acquirements, and skill and experience in the art of teaching. The compensation of county superintendent shall be as follows: In all counties in which there are less than fifty schools he shall be paid seventy-five dollars; in all counties in which there are fifty schools and not over seventy-five schools he shall be paid one hundred dollars; and in all counties in which there are more than seventy-five school he shall be paid one hundred and twenty-five</p>
<p>How paid.</p>	<p>dollars. The state superintendent of free schools shall pay the same by his order drawn upon the auditor in semi-annual installments. But the final payment shall not be made until the county superintendent has made the reports required of him to the state superintendent of free schools. The same shall be paid out of the state school fund, but the amount thereof shall be deducted by the auditor from the amount next to be distributed to such a county. He shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>Final payment not made until he has made reports required. Out of what fund paid; and how deducted by auditor.</p>	<p>annual installments. But the final payment shall not be made until the county superintendent has made the reports required of him to the state superintendent of free schools. The same shall be paid out of the state school fund, but the amount thereof shall be deducted by the auditor from the amount next to be distributed to such a county. He shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>His bond; before whom given etc.</p>	<p>shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>Penalty. His liabilities, thereon.</p>	<p>shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>Where filed. Clerk of county court to certify to state superintendent the name and postoffice of county superintendent; when. Provide as to county superintendents elected under former acts.</p>	<p>shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>Vacancies, how filled; when and for what time.</p>	<p>shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>
<p>County superintendent shall conform at all times to instructions of state superintendent. Shall serve as organ of communication, etc. To distribute all blanks, etc.</p>	<p>“55. The county superintendent shall at all times conform to the instructions of the state superintendent of free schools, as to matters within the jurisdiction of said superintendent, and shall serve as the organ of communication between him and the several district boards of education. He shall distribute from his office all blanks, circulars, copies of school laws, and other communications from the state superintendent to the several boards and persons entitled to receive the same, and all out going county superintendents shall make the reports required for the years for which they were elected, or for which they may serve.</p>
<p>Out going superintendent to make report.</p>	<p>shall, before entering upon the duties of his office, execute a bond conditioned according to law, before the clerk of the county court of his county, in the sum of three hundred dollars, with approved security; upon which bond he shall be liable in any court having jurisdiction, to any person or persons, or to any district board of education for losses sustained by reason of his neglect or non-performance of duties imposed by this act. Said bond shall be filed in the office of the clerk of the county court, who shall, within five days, certify to the state superintendent of free schools, the name of said county superintendent and his postoffice address. <i>Provided</i>. That county superintendents elected under the provisions of former acts, shall continue in office until their successors shall have been elected and qualified; and they shall receive the same compensation for their services, and in the same manner as is provided by law for county superintendents. Vacancies in the said office shall be filled by the presidents of the board of education in the county, a majority being present; for which purpose the clerk of the county court shall notify them to meet within ten days after such vacancy shall occur. Such appointments shall be for the unexpired term, until a successor has been elected and qualified.</p>

“61. It shall be the duty of the auditor, on or before the first day of September in each year, to ascertain the amount which is distributable among the several counties as aforesaid, and notify the state superintendent of free schools thereof, who shall thereupon ascertain the proper share of each county and notify the auditor and each county superintendent, also the amount deducted by the auditor from the share of his county, on account of salary paid the county superintendent, as required by section fifty-four, which amount the county superintendent shall also deduct from the share of his county before making his distribution of the same among the several districts thereof. Upon receiving such notice, the county superintendent shall ascertain the proper share of each district and independent school district of his county, according to the number of youths therein, and give notice to the board of education of each district and independent school district in the county, of the amount of the state school fund due each, respectively, and that the same cannot be drawn by them until they have made the levy required by the fortieth section of this chapter.

General school fund; auditor to notify state superintendent in each year the amount to be distributed; when. Duty of state superintendent as to such fund.

“87. The ‘West Virginia State Normal School,’ established under and by virtue of the act passed February twenty-seventh, one thousand eight hundred and sixty-seven, entitled ‘an act for the establishment of a state normal school,’ shall be and remain at Marshall College, in the county of Cabell, as provided in said act; and all the provisions of said act and all other acts in relation thereto, shall be, and remain in full force, except so far as the same may be altered by this chapter. For the government and control of said school there shall be a board of regents, consisting of the state superintendent of free schools, one person from each congressional district of the state, and one from the state at large, to be appointed by the governor, who shall be called ‘the regents of the state normal school,’ and as such may have a common seal, sue and be sued, plead and be impleaded, contract and be contracted with, and take, hold and possess real and personal estate for the use of said school, and may exchange so much of the real estate now held by them for such use, for other real estate owned by the Central Land Company of West Virginia, as may be necessary to conform the boundary lines of real estate so held and to be held by them, to the avenues, streets and alleys of the city of Huntington, and execute and receive the proper conveyances therefor. Any such conveyance, executed by and in the name of ‘the regent of the state normal school’ and acknowledged on behalf of the said regents by the state superintendent of free schools, shall be valid and effectual to pass to the grantee therein all the title of the state to the real estate conveyed thereby. The transfer and conveyance by the board of supervisors of

State normal school to remain at Marshall College.

Provisions of law relating to.

Board of regents.

How appointed. By what name called. May have common seal; their powers.

Conveyance, how executed. Transfer of college to regents legalized.

When property
to revert to
Cabell co.nty.

Cabell county of the lands and buildings of Marshall College to the regents of said school heretofore, appointed, is hereby accepted, confirmed and legalized. But in case the said school should at any time hereafter be removed from the said Marshall College, the said property so conveyed shall revert to and be vested in the county court for the use of the said county of Cabell.

Section 53 of
chapter 123,
acts 1872-3, re-
pealed.

2. Section fifty-three of chapter one hundred and twenty-three of the acts of one thousand eight hundred and seventy-two and three, entitled 'an act to amend and re-enact the school law of the state, is hereby repealed.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXV.

AN ACT to amend and re-enact section seventeen of chapter one hundred and eighteen of the acts of one thousand eight hundred and seventy-two and three, in relation to elections.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

Section 17 of
chapter 118,
acts 1872-3,
amended.

1. That section seventeen of chapter one hundred and eighteen of the acts of one thousand eight hundred and seventy-two and three, be amended and re-enacted as follows :

Elections; oath
of commissioners,
conductor
and clerks.

"17. The commissioners, the conductor and clerks appointed for any election, shall before entering upon the discharge of their duties take an oath to the following effect : 'I, A— B—, do solemnly swear that I will support the constitution of the United States and the constitution of this state, and that in the election about to be held I will faithfully discharge my duties to the best of my skill and judgment.' Whenever at the opening of the polls at any place of voting, no person be present who is authorized to administer oaths, or if such person being present shall refuse to administer the oath herein prescribed, the conductor shall administer the same to the commissioners and clerks; and the said oath shall thereupon be adminis-

Who to admin-
ister oath.

tered to him by any of the commissioners so qualified. The said oath shall appear properly certified on the poll books used at such place of voting." Oath to be certified on poll books.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXVI.

AN ACT to establish a county court and board of commissioners for the counties of Marion, Marshall and Wetzel, under the thirty-fourth section of the eighth article of the constitution of the state of West Virginia.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

1. In the counties of Marion, Marshall and Wetzel, there shall be elected by the qualified voters of each county, on the same day and at the same places for holding the general school election in the year one thousand eight hundred and seventy-nine, (of which not less than ten days' notice shall be given in the manner prescribed by law for holding general elections) and on the second Tuesday in October, one thousand eight hundred and eighty and on the second Tuesday in October in every fourth year thereafter, a judge for the county court of said counties, who shall be commissioned by the governor, and who shall hold his office until his successor is elected and qualified. His term of office shall be four years, and he shall receive a salary of twelve hundred dollars a year to be divided equally between the three counties and to be paid out of the county treasury of each in quarterly installments. A vacancy in said office, if not more than one year shall remain of the term thereof, shall be filled by the commissioners of said counties jointly, who shall appoint some one learned in the law to fill such vacancy, a majority of whom shall make an appointment to fill said vacancy; but if more than one year of said term shall remain, then shall said appointment be made until the next general election, at which time said vacancy shall be filled by the election of some suitable and fit person, learned in the law, by the qualified voters. The judge of said county court, during his term of office, shall not practice Authority to establish a county court and board of commissioners; Marion, Marshall and Wetzel counties

Election of judge; when. How commissioned.

His term of office.

Salary. How paid.

Vacancies; how filled.

What judge prohibited from doing during his term of office. the profession of the law, or hold any other office, appointment or public trust, under the authority of this state or any other government; and upon acceptance thereof shall not be during his continuance therein eligible to any other political office. He may be removed from office by a concurrent vote of both houses of the Legislature when from any disease or mental or bodily infirmity, he shall be incapable of discharging the duties of the office in the manner provided by the eighteenth section of the eighth article of the constitution of this state. He shall also be subject to impeachment for malfeasance, maladministration, for corruption, incompetency, gross immorality, neglect of duty or any high crime or misdemeanor, in the manner prescribed by the ninth section of the fourth article of said constitution, and upon conviction, shall be subject to the same judgment as therein prescribed.

How removed and for what.

May be impeached; how.

Jurisdiction of court.

2. The county court shall have original jurisdiction in all actions at law where the amount in controversy exceeds twenty dollars, and also in all cases of *habeas corpus*, *quo-warranto*, *mandamus*, *prohibition*, *certiorari* and in all suits in equity. It shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees and curators and the settlement of their accounts, and in all matters relating to apprentices, and of all criminal cases under the grade of a felony, except as herein before provided. But the jurisdiction of the county court shall be subject to such limitations as may be prescribed by law. It shall have the custody, through its clerk, of all wills, deeds and other papers presented for probate or record in said county, which shall be disposed of or preserved as required by law.

May be limited by law. To have custody of wills deeds, etc.

Appeals from justices; decision final; except etc.

3. The said county court shall have jurisdiction of all appeals from the judgments of justices, and its decisions upon such appeals shall be final in all cases, except such as involve the title right of possession or boundaries of lands, the freedom of a person, the validity of a law or the ordinance of any corporation or the right of a corporation to levy tolls or taxes.

Sessions of court. Trial of jury causes.

When court to begin in each county for such trials.

4. There shall be four sessions of said court in each year in each of said counties, and which shall be held for the trial of jury causes: commencing in the county of Marshall on the second Monday in January, second Monday in April, second Monday in June and the second Monday in October; county of Marion on the second Monday in March, second Monday in July, second Monday in September, and the second Monday in December; county of Wetzel on the second Monday in March, second Monday in May, second Monday in August and the second Monday in November.

Petit and grand Jurors.

To all of which terms petit jurors, and to one or two of said

terms, as the court may order, grand jurors shall be summoned to attend as at-terms of the circuit courts for said counties.

5. There shall be elected, at the same time that the county judge is elected, three commissioners, who shall hold their office for the term of six years, except that at the first meeting of said commissioners they shall designate by lot or otherwise, in such manner as they may determine, one of their number, who shall hold his office for the term of six years, one for four years and one for two years, so that one shall be elected every two years. But no two shall be elected from the same district. Said commissioners shall elect one of their own number as president, and each shall receive two dollars per day for his services in court, to be paid out of the county treasury. *Provided*, That no greater sum than forty-eight dollars per annum shall be allowed or paid for the *per diem* of any one of said commissioners.

Three commissioners elected; when. Their term of office; except, etc.
One to be elected every two years.
No two from same district.
President of board; how elected.
His compensation.
How paid.
Proviso as to amount to be paid per annum.

6. The said counties shall be laid off into districts as nearly equal as may be in territory and population. The present sub-division of the counties by districts shall constitute such districts until changed by the board of commissioners heretofore mentioned. In each district there shall be elected by the voters thereof two justices of the peace and two constables, who shall reside in their respective districts, and hold their respective offices for the term of four years. The offices of justice of the peace and commissioner shall be considered incompatible.

Counties to be laid off into districts.
Present districts to remain until changed by board.
Justice and constables to be elected in each district.
His term of office.
What offices not compatible.

7. The commissioners elected in the several districts of of each county shall constitute the boards of commissioners, to be known as "the board of commissioners of the county of Marion;" "the board of commissioners of the county of Marshall;" and "the board of commissioners of the county of Wetzel," by which name they may sue and be sued, make and use a common seal, and enact ordinances and by-laws not inconsistent with the laws of this state. They shall meet statelily on the first Monday in July in each year, at the court house of their county, and may hold special and adjourned meetings at any time after their first meeting after election. They shall elect one of their number president of the board, and the clerk of the county court of each county shall be *ex-officio* clerk of said board of commissioners, who shall keep a journal of their proceedings, including a record of their ordinances, in a volume separate from the journal of proceedings, and transact such other services pertaining to his office as may be by them or by law required, and whose compensation they shall fix by ordinance, and pay from the county treasury. The said boards shall each have the superintendence and administration of the internal, police, and fiscal affairs of their re-

Commissioners elected; by what names to be known.
Powers of such boards.
When to meet.
Special and adjourned sessions.
President of board; how elected.
Who to be clerk; his duties and compensation.
Jurisdiction and duties of board.

Prvsiso as to licenses granted in any city, town, etc. Writs of *ad quod damnum*; where to issue. Contested election cases to be determined by board.

Compensation of commissioners; how paid. Limit as to amount.

May be indicted for what. Conviction, vacates his office.

Vacancy; how filled.

Election to take sense of voters upon the question of adoption or rejection of act, and election of officers; when and how held.

Failure to appoint, etc., then voters at polls may appoint conductors of election.

Who to vote. How election held and result certified.

How result declared and certificate issued. Exception as to judge.

To be certified to governor. Governor to commission.

Majority vote of each county determines question.

spective counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, the granting of ordinary and other licenses, with authority to lay and disburse the county levies; *Provided*, that no license shall be granted in any city, town or village without the consent of the authorities thereof, the same first had and obtained. All writs of *ad quod damnum* shall issue from the county court. The board shall, in all contested cases, judge of the election, qualification and returns of its own members, and of all county and district officers; and it shall exercise such other jurisdiction, and perform such other duties as may be prescribed by law. The said commissioners shall each receive a compensation of two dollars per day for every day's attendance upon a meeting of a board, to be paid out of the county treasury; but neither shall receive pay for more than twenty-five days' attendance during any one year. Any commissioner may be indicted for malfeasance, misfeasance or neglect of official duty; and upon conviction thereof, his office shall become vacant. A vacancy in the board of commissioners, whether from resignation, removal from the district, removal from office, death, or other cause, shall be filled by the remaining members of the board.

8. The county courts of Marion, Marshall and Wetzel counties shall each meet on the second Monday in April, and appoint three qualified voters at each place of voting to hold an election on the first Tuesday in August, to take the sense of the qualified voters of said counties upon the question of the adoption or rejection of this act, and for the election of officers under it. And should the said county courts each fail to meet and appoint three persons as aforesaid, or being appointed, shall fail to act, then the voters present at any poll may appoint three qualified voters to conduct the said election, at which election all the qualified voters of said county shall have the right to vote. Said election shall be held according to the laws then in force, and the result shall be certified to the county courts of Marion, Marshall and Wetzel counties, which courts shall meet on the tenth day after the election, for the purpose of declaring the result and issuing certificates of election to the persons having the highest number of votes for their respective offices, except in the case of the judge of the county court, in which case the said county courts of each county shall certify to the governor of the state the number of votes cast for the several candidates for the said office of judge of said court; and thereupon it shall be the duty of the governor to issue a commission to the candidate receiving the highest number of votes as judge of said court.

9. If it appears that a majority of all the votes of Marion county, and a majority of all the votes of Marshall county, and a majority of all the votes of Wetzel county,

cast upon the question of adoption, or rejection of this act are in favor of its adoption, then the same shall take effect and be in force on and after the day after the vote is taken upon this act, and all officers elected under it shall qualify within thirty days after the result of said election is declared.

When to take effect.
When officers to qualify.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXVII.

AN ACT making it a misdemeanor for an attorney-at-law to fail to pay over money received by him for his client and providing an additional penalty therefor.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. If any attorney, licensed to practice law in any of the courts of this state, receive money for his client, as such attorney, and fail to pay the same within six months after receipt thereof, without good and sufficient reason for such failure, he shall be deemed guilty of a misdemeanor, and be fined not less than twenty nor more than five hundred dollars.

Of Attorney failing to pay over money received by him for his client.
When deemed a misdemeanor.
Penalty.

2. In any trial under this act, the party accused may testify in his own behalf.

Party accused may testify.

3. Any attorney convicted under the first section of this act, shall, in addition to the punishment therein prescribed, be disbarred from practicing as an attorney in any of the courts of this state, and the same shall be entered by the court as a part of its judgment.

If convicted, to be disbarred from practicing.

4. It shall be the duty of the judge of each circuit court and the prosecuting attorney of each county, to give this act specially in charge of the grand jury of each county.

Judge and prosecuting attorney to give this act specially in charge to grand jury.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXVIII.

AN ACT to repeal an act entitled “an act providing for the inspection of tobacco, approved December twenty-third, one thousand eight hundred and seventy-five,” and “an act to amend and re-enact section seven of said act, passed February twenty-sixth, one thousand eight hundred and seventy-seven,” and to provide for the sale of certain property.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

Acts repealed.

1. That the act, entitled “an act providing for the inspection of tobacco,” approved December twenty-third, one thousand eight hundred and seventy-five, and the act to amend and re-enact section seven of said act, passed February twenty-sixth, one thousand eight hundred and seventy-seven, be, and the same is hereby repealed.

Board of public works to take charge of and sell property.

How proceeds disposed of.

2. That it shall be the duty of the board of public works to take charge of all the property belonging to the state in the several tobacco warehouses, heretofore established under said acts, and to sell said property to the best advantage practicable, and to pay the proceeds of such sales into the treasury.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXIX.

AN ACT to create a county court and a board of commissioners for the county of Wood, under the thirty-fourth section of the eighth article of the constitution.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

County court, to be held by a judge, created for the county of Wood.

1. A county court to be held by a judge, for whose election, qualification, term of office and compensation, provision is hereinafter made, shall be created in the county of Wood.

2. The county court for the said county, shall have original jurisdiction in all actions at law, where the amount in controversy exceeds the sum of twenty dollars, and in all cases of *habeas corpus*, *quo warranto*, *mandamus*, prohibition, *certiorari*; in all suits in equity except cases for divorce; and in all matters of probate, the appointment and qualification of personal representatives, guardians, committees and curators, and the settlement of their accounts, and in all matters relating to apprentices; and of all criminal cases under the grade of felony. It shall have the custody, through its clerk, of all wills, deeds and other papers offered for probate or record in said county, which shall be preserved or disposed of as required by law. And said county court shall exercise such other jurisdiction as may be conferred by law.

Original jurisdiction of court.

To have the custody of all wills, deeds, etc.
To exercise such other jurisdiction as may be conferred by law.

3. The said court shall have jurisdiction of all appeals from the judgments of the justices of the peace, and its judgment thereon shall be final in all cases, except where the title, right of possession, or boundaries of land, or the freedom of the person, or the validity of a law, or an ordinance of any corporation, or the right of a corporation to levy tolls or taxes, is involved.

Appeals from judgments of justices; decision final, except, etc.

4. There shall be four regular terms of said county court in each year, held quarterly, for the trial of causes by jury, and matters of general jurisdiction. The quarterly term shall commence on the first Monday in February, May, and third Monday in October and December, and to one of these terms a grand jury shall be summoned to attend as provided by law, in relation to circuit courts of said county. Petit jurors shall be summoned to attend said terms of said court as provided by law.

Terms of court in each year. For trial of jury cases. When to commence.

Jurors.

5. Rules shall be held in the clerk's office of the said county court, as are now provided by law, in relation to the circuit courts of this state.

Rules; where held.

6. The qualified voters of Wood county, on the second Tuesday of October, one thousand eight hundred and eighty, (of which not less than twenty days' notice shall be given, in the manner prescribed by law for the holding of general elections) and on the second Tuesday of October, in every fourth year thereafter, shall elect a judge for the said county court of Wood county, who shall be commissioned by the governor. His term of office shall commence on the first day of January, one thousand eight hundred and eighty-one, and be for four years, and he shall receive a salary of one thousand dollars per annum, payable out of the county treasury, in quarterly installments. He shall not, during his term of office, practice the profession of law, or counsel or advise in legal matters, or hold any other office, appointment or public trust, under the authority of this state or any other government; during

Judge of court; when to be elected. Notice.

By whom commissioned.

Term of office. His salary.

What judge prohibited from doing during his term of office

For what removed from office, and how.
May be impeached.

his continuance in office as judge of said court, shall not be eligible to any political office. He may be removed from office when from any disease, or mental or bodily infirmity, he shall be incapable of discharging the duties of the office, by a concurrent vote of both houses of the legislature, in the manner provided by the eighteenth section of eighth article of the constitution of this state. He shall also be subject to impeachment for the causes, and in the manner prescribed in the ninth section of the fourth article of the said constitution, and upon conviction shall be subject to the judgment therein proscribed.

Vacancy in office; how filled.

7. When a vacancy shall occur in said office, if not more than one year remain of the term thereof, it shall be filled by the commissioners of the said county, hereinafter established, by appointment of some qualified person learned in the law; but if more than one year of said term shall remain, then said appointment shall be made until the next general election, when the qualified voters of said county shall elect a competent person to fill said vacancy.

Board of commissioners; when elected. Qualifications for office.

8. At the election to be held on the second Tuesday in October, one thousand eight hundred and eighty, as provided in the sixth section of this act, the qualified voters of said county shall elect five commissioners, to be chosen for their experience and prudence, who at the time of their election, shall have resided two years at least, in the said county. Not more than one commissioner shall be elected from the same district of said county; and the office of justice of the peace shall be deemed incompatible with the office of commissioner of said county.

Only one from same district. What office deemed incompatible with, etc.

By what to be known.

9. The commissioners so elected shall be known as "the board of commissioners of Wood county," by which name they may sue and be sued, and have and use a common seal. And all suits or proceedings that may be pending in this state, on the thirty-first day of December, one thousand eight hundred and eighty, in the name of or against the county court of Wood county, or in the name of or for the benefit of said county court of Wood county, shall be revived and continued in the name of, "the board of commissioners of Wood county." The said commissioners shall meet statedly on the first Monday in the months of January, April, August and October, at the court house of said county, in each year; and may hold adjourned and special meetings, for the transaction of public business. They shall elect one of their number president, and the clerk of the county court shall be clerk of said court, who shall keep a journal of their proceedings and orders, and perform such other duties as may be required by law, or by the said board, and whose compensation shall be fixed by the said board and paid out of the county treasury.

Powers of board.

What suits and proceedings to be revived in name of board. When to meet statedly.

Adjourned and special meetings

President and clerk. Duty of clerk.

His compensation.

Jurisdiction and duties of board.

10. The said board shall have the superintendence and administration of the police and fiscal matters and affairs

of said county, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, and authority to lay and disburse the county levies. All writs of *ad quod damnum* shall issue from the county court. The said board shall, in all contested elections, judge of the election, qualification and returns of its own members and of all county and district officers. It shall have such other jurisdiction and perform such other duties as may be proscribed by law. Each of said commissioners shall receive three dollars per day for his services; but in no event shall they receive compensation for more than thirty days in any one year. The said board shall have power to fill any vacancy that may occur in the board. The term of office of each of said commissioners shall be two years, and shall commence on the first day of January, one thousand eight hundred and eighty-one, and on the same day every two years thereafter.

Writs of *ad quod damnum*.

Contested election cases to be determined by board.

To have such other jurisdiction, etc. Compensation of commissioners. Limit. Vacancy; how filled.

Their term of office; when to begin and how long.

11. The election held under this act will be according to the laws in force at the time the election takes place, and by the officers holding the general election, and the result shall be certified as follows, that is to say: the number of the votes cast at said election for the judge of the county court and the commissioners aforesaid, shall be certified to the clerk of the circuit court of Wood county, who shall declare the result of the election and issue certificates to the persons having the highest number of votes for commissioner as aforesaid; and the said clerk of the circuit court aforesaid shall certify to the governor the votes cast for the office of judge of the said county court, and the governor shall issue a commission to the person having the highest number of votes cast for the office of judge of the said county court. *Provided*, Before this act shall take effect, the same shall be submitted to the qualified voters of the county of Wood, and shall receive a majority of the votes cast at said election. The ballots cast at said election shall have thereon the words, "for the system," or "against the system."

Election; how held.

How result certified.

Clerk of circuit court to declare result as to commissioners and issue certificates. Clerk, to certify vote for judge to governor.

Governor to commission judge. *Provided* as to when act to take effect.

Ballots, what to have written or printed thereon.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing takes effect at the expiration of ninety days after its passage.

CHAPTER LXXX.

AN ACT changing and fixing the time for holding the circuit courts in the seventh judicial circuit.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That the circuit court, of the seventh judicial circuit,

Terms of court
in seventh judicial
circuit.

For Jackson
county.

Roane.

Mason.

Putnam.

Kanawha.

Inconsistent
acts repealed.

shall hereafter commence and be held at the following times, to-wit:

For the county of Jackson, on the first Monday of March, and first Monday of September.

For the county of Roane, on the third Monday of March and the third Monday of September.

For the county of Mason, on the first Monday of April, and the first Monday of October.

For the county of Putnam, on the fourth Monday of April, and the first Monday of November.

For the county of Kanawha, on the third Monday of May, and on the third Monday of November.

2. All acts inconsistent with this act are hereby repealed.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXI.

AN ACT fixing the times for holding the terms of circuit courts in the second judicial circuit.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

Commencement
of terms of
court in second
judicial circuit.

For Taylor
county.

Monongalia.

Wetzel.

Marion.

Doddridge.

Harrison.

Inconsistent
acts repealed.

1. That the times for the commencement of the terms for the circuit court in the counties of the second judicial circuit shall, in each year, be as follows:

For the county of Taylor, on the tenth day of February and on the twentieth day of September.

For the county of Monongalia, on the first day of March and on the first day of September.

For the county of Wetzel, on the first day of April and on the tenth day of October.

For the county of Marion, on the eighteenth day of April and on the twenty-eighth day of October.

For the county of Doddridge, on the twelfth day of May and on the fifteenth day of November.

For the county of Harrison, on the thirtieth day of May and on the tenth day of December.

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

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXII.

AN ACT to amend and re-enact chapter fifty-one, of the acts of one thousand eight hundred and seventy-seven.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia:

That section one, of chapter fifty, of the acts of one thousand eight hundred and seventy-seven, be and the same is hereby amended and re-enacted so as to read as follows: Section one of chapter fifty acts 1877 amended.

1. That section one, of chapter one hundred and sixty, of the acts of one thousand eight hundred and seventy-two and three be and the same is hereby amended and re-enacted so as to read as follows: Section one of chapter 160, acts 1872-3 amended.

"1. That if any railroad company has been or shall be incorporated under a general law of this state, to construct or operate a railway for the transportation of persons and property in and from the city of Wheeling to some terminus at or near Elm Grove, in Ohio county, or any intermediate point, the assent of the state is hereby given to the construction and operating of said railway, by steam or animal power, or both, along the sides of the National road, and across the same when necessary and proper, but subject, nevertheless, to such regulations, if any, as may be in that behalf prescribed by the board of public works. And for the purpose of constructing and operating its railway along or near the National road, any such railway company may remove any of the telegraph poles along its route, replacing the same in other convenient positions, so as not to injure or impair the rights of any telegraph company. *Provided*, Nevertheless, that no steam engine shall be used on said railroad that will or may frighten horses or persons travelling over the Cumberland turnpike road, or otherwise interfere in any manner with the perfect right of all citizens of this state safely to pass and repass over the said turnpike." Right granted to construct and operate railway track along the sides of, and across national road by steam or animal power etc.
Subject to regulations prescribed by board public works, if any
Telegraph poles may be removed and replaced.
Provido as to kind of steam engine to be used.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXIII.

AN ACT to facilitate the transfer to the United States of the title to the Antietam National Cemetery, in the state of Maryland.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

State of Maryland authorized to convey to United States all the right, title, etc. of this state in Antietam Cemetery. If transfer has been made, assent thereto is hereby granted.

That the state of Maryland be, and is hereby authorized to convey to the United States, all the right, title and interest of the state of West Virginia in and to the land occupied by the Antietam National Cemetery, in the county of Washington, in the said state of Maryland, and if the said state of Maryland shall have already made such transfer of title to the United States, the assent thereto of the state of West Virginia is hereby granted.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXIV.

AN ACT to amend and re-enact chapter seventy-five of the code as amended and re-enacted by chapter one hundred and thirty-nine of the acts of one thousand eight hundred and seventy-two and three, entitled "an act amending and re-enacting chapter seventy-five of the code, concerning liens for purchase money and liens of mechanics, laborers and others.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

Chapter 75 of code, as amended by chapter 139, acts 1872-3, amended.

1. That chapter seventy-five of the code as amended and re-enacted by chapter one hundred and thirty-nine of the acts of one thousand eight hundred and seventy-two and three, entitled "an act amending and re-enacting chapter seventy-five of the code concerning liens for purchase money and liens of mechanics, laborers and others, be amended and re-enacted so as to read as follows :

Liens for Purchase Money to be Reserved by Deed.

"1. If any person convey any real estate and the purchase money or any part thereof remain unpaid at the time of the conveyance, he shall not thereby have a lien for such unpaid purchase money unless such lien is expressly reserved on the face of the conveyance.

Liens for purchase money of real estate must be reserved on face of conveyance.

Lien of Mechanics and Others.

"2. Every mechanic, builder, artizan, workman, laborer or other person who shall do or perform any work or labor upon or furnish any material in the erection or construction of a house or other building on land, or in altering or repairing any house or other building or its appurtenances, by virtue of any contract with the owner thereof or his agents; or any person who in pursuance of an agreement with any such contractor, shall, in conformity with the terms of the contract with such owners or agents, do or perform any labor or work or furnish any material in the erection or construction of a house or other building in this state, shall have a lien for the value of such labor and material upon such house or other building, and its appurtenances, and also upon the lots of land upon which the same is situated. But the aggregate of all liens authorized by this chapter to be created for labor performed and material furnished in building, altering or repairing a house or other building and its appurtenances shall not exceed the price stipulated in the contract with such owner to be paid therefor. And such owner shall not be obliged to pay for or on account of such house, building or appurtenances, any greater sum or amount than the price so stipulated and agreed to be paid therefor in and by such contract. And such lien shall have priority over any lien created by deed or otherwise on such house or other building and appurtenances and the lots on which the same are erected subsequently to the time when such labor shall have been performed and material furnished. But there shall be no priority of liens as between the parties claiming under the provisions of this section.

Lien of mechanics, etc., for work upon and materials furnished, etc., for buildings, etc.

Aggregate of all liens not to exceed price stipulated in contract.

Owner not obliged to pay any greater amount than that stipulated to be paid. Priority of such lien. No priority as to persons claiming.

"3. Such lien shall be discharged unless the person desiring to avail himself thereof within thirty days from the time he ceases to labor on or furnish material for such building and appurtenances, file with the clerk of the county court of the county in which the house or other building is situated a just and true account of the amount due him after allowing all credits, together with a description of the property intended to be covered by the lien sufficiently accurate for identification, with the name of the owner or owners of the property, if known, which account shall be sworn to by the person claiming the lien or some person in his behalf.

To preserve lien, party must file within 30 days, an account of amount due him; where to be filed.

What must be stated in account. Account must be verified.

Duty of clerk as to such account.

What to be stated in book.

Fee of clerk and by whom paid.

Persons employed to do or to furnish materials by contract must give written to owner to secure his lien; when and what notice must state.

When contractor entitled to compensation for part performance of contract.

Enforcement of lien; how.

Who to be made parties.

When party may be made defendant. If party bringing suit fails to establish his claim, it may be prosecuted by any other party thereto having such lien.

When lien discharged if suit not commenced.

Suit commenced by one party inures to benefit of all other persons having a like lien.

"4. It shall be the duty of the clerk of the county court of the county to enter every such account in a book by him to be kept for that purpose, to be called the "mechanic's lien record," which shall be properly indexed, and in which he shall state the names of the parties, the amount and character of the claim and when filed, and the description of the property to be charged by said lien, for which service he shall receive fifty cents, to be paid by the person claiming the lien.

"5. No person employed to do work or furnish materials for the construction of any such house or building, or any part thereof, by another who may have contracted with the owner thereof, to construct or erect the same or any part thereof, shall have any lien on such house or building unless such person shall, within thirty days after the term of his employment has expired, or after the delivery of materials furnished, give notice in writing to the owner of such house or building, of the amount of his demand, and that he claims the benefit of the lien created by virtue of this chapter.

"6. When the owner fails to perform his part of the contract, and by reason thereof the other party, without his own default, is prevented from completely performing his part, he shall be entitled to a reasonable compensation for as much as he has performed, in proportion to the price stipulated for the whole.

"7. Any person having a lien under or by virtue of this chapter may enforce the same by filing a bill in chancery in the circuit court of the county in which the house or other building is situated in which he shall make all other persons having similar liens thereon, parties, and any other person acquiring such lien before a decree shall be pronounced in said suit may at his request be made a defendant therein and recover his claim in the same manner as if he had been made a defendant at the commencement of the suit. Should the party bringing the suit from any cause fail to establish his claim, the suit shall not for that cause be dismissed, but it may be prosecuted by any other party thereto having such lien, in the same manner as if it had been commenced by him.

"8. Unless a suit to enforce the lien is commenced within six months after the person desiring to avail himself thereof shall have filed his account in the clerk's office, as hereinbefore provided, such lien shall be discharged; but a suit commenced by any person having such lien shall, for the purpose of preserving the same, inure to the benefit of all other persons having a like lien on the same property.

"9. If the lien is established in favor of any of the creditors whose claims are presented in such suit, the court

shall order a sale of the property on which the lien is established, or so much thereof as may be sufficient to satisfy such claims in like manner as in other suits in chancery; and the court may, in addition, give a personal decree in favor of such creditors for the amount of their claims against any party as to whom they may be established; such decree to have the effect of, and to be enforced as other decrees for money.

If lien be established, court to order sale of property. Court may, in addition, give personal decree.

Effect of such decree, and how enforced.

"10. When a debt secured by such lien is fully paid at any time after such creditor shall have filed his account in the office of the clerk of the county court, such creditor shall cause the clerk to enter a discharge of such lien in the margin of the book in which each account is entered and immediately opposite thereto, or shall execute a release thereof, which may be recorded in the book in which account is entered."

When and how clerk to enter a discharge of such lien.

2. All acts and parts of acts in conflict with this act or any part thereof are hereby repealed in so far as they conflict with this act.

Inconsistent acts repealed.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXV.

AN ACT authorizing the board of regents of the West Virginia University to grant right of way to the Pittsburgh, West Virginia and Southern railroad through the grounds of the university.

[Passed March 8, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That it shall be lawful for the board of regents of the West Virginia University to grant the right of way to the Pittsburgh, West Virginia and Southern railroad in, through, over and upon the grounds and appurtenances of the said university grounds, lots and appurtenances, upon such terms as the said board may deem proper, or by the said company and said board of regents may be mutually agreed upon; and in like manner the said board may grant other and further privileges and franchises in and upon said grounds.

Board of regents of West Va. University authorized to grant right of way to Pittsburgh, etc. railroad, through grounds, etc. of University. Upon what terms. May grant other and further privileges, etc.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXVI.

AN ACT providing for the regulation of coal mines and the protection and safety of persons employed therein.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia:

Inspector of mines; when and how appointed.

His term of office.

How and for what removed. Qualifications for office of inspector.

Oath of office. To be in writing and signed.

Where filed.

Inspector's bond. Penalty of bond. How made payable. Conditions of bond. Where filed.

Duties of inspector as to inspecting mines, etc.

When to inspect. Enquiries to be made by inspector.

Report of inspector; when and to whom made. What report to contain.

1. That it shall be the duty of any judge of the circuit court of any county in this state, in vacation, or such court in term time, upon presentation of a petition verified by the affidavit of any credible person, and signed by one hundred voters of such county, that any coal mine in such county in which more than ten persons are employed is not sufficiently ventilated, or that the weights and measures are not inspected, to appoint an inspector of mines, who shall hold his office for the term of two years, subject to removal by such judge or court for incompetency, intemperance or neglect of duty. Such inspector shall be a man of good character, fair education and temperate habits, and shall be a mining engineer, and shall have a practical knowledge of mining and ventilation of mines, and shall be a citizen of this state. Before entering upon the discharge of his duties he shall take an oath or make affirmation to discharge his duties faithfully and impartially, which oath or affirmation shall be reduced to writing and be signed by the said inspector and be filed in the clerk's office of said court. Such inspector shall likewise give bond, with good security, in a penalty of five hundred dollars, made payable to the state of West Virginia, to be approved by such judge or court, conditioned for the faithful discharge of his duties as such inspector, which bond shall also be filed with the clerk of the said court.

2. Said inspector shall examine all such mines in his county as soon as practicable after his appointment and qualification, to see that the provisions of this act are fully carried out. And it shall be lawful for him to inspect any such mine in such county and the works and machinery connected therewith, and all cars, weights and measures at all reasonable times, by night or by day, but not so as to unnecessarily obstruct the working of the mine; and to make inquiry of the state and condition of the mines, as to the ventilation thereof and the security of employes therein.

3. Such inspector shall on the first day of every term of said court, in writing, report to said court the condition of all such mines; specifically stating in his report whether there is such ingress and egress at such mine as is necessary for the safety of the employes in case of accident; whether such mines are well drained and properly ven-

tilated; whether any employe has been injured in such mine and the cause thereof, and such other information as he may think useful and proper.

4. Said inspector shall as compensation for his services receive three dollars per day for each day necessarily employed by him in the discharge of his duties, to be levied for and paid him out of the county treasury, but in no case shall such inspector receive in the aggregate more than one hundred dollars for his services in any one year, except that for the county of Kanawha he may receive such *per diem* as aforesaid not to exceed two hundred dollars in any one year. He shall record the result of his investigations and all material facts and circumstances connected therewith, in a book which shall be at all reasonable times submitted to the inspection of any person claiming to be interested, and shall at the expiration of his term of office be turned over to his successor.

Compensation of inspector.

How paid.

Limit as to amt. Exception as to Kanawha county.

To keep record of result of investigations, etc. Record open to inspection. To be turned over to successor.

5. The operator, occupier, agent or lessee of any such mine, shall cause the same to be kept well drained and shall provide and maintain within six months after the passage of this act, for every such mine an amount of ventilation sufficient for the safety of persons employed in such mine, which shall be circulated to the face of each and every working place throughout the mine; and all mines generating explosive gas shall as far as possible be kept free from standing gas, and in all mines where explosive gas is generated every working place shall be carefully examined once each day with a safety lamp, by a competent person; and it shall be the duty of such owner, agent or lessee to keep at least two extra and suitable posts in each room being worked and to see that such mine is made as safe in other respects as practicable.

Duty of operator, agent, etc., as to draining and ventilating mines.

Duty of, as to mines generating explosive gas, and mines where explosive gas is generated.

To keep two posts in each room worked, etc.

6. In all such mines, mining shall be paid for either by the bushel or by the ton, or by the day or in any other way that may be agreed upon between the owners, their agent and the miners of such mine; and the cars used in any mine where mining is paid for by the bushel, shall be plainly branded according to its true measurement and weight, and the coal shall be paid for at the rate agreed upon.

How mining to be paid for.

Cars to be plainly branded as to their true measurement.

Coal, how paid for.

7. Any minor, workman or other person who shall knowingly and willfully injure or interfere with any safety lamp, air course, or obstruct the ventilation of such mine or disturb any part of the machinery, or disobey any proper order given in carrying out the provisions of this act, or if any person employed in any mine governed by the provisions of this act, shall neglect or refuse to securely prop the roof of any place under his control, or do any act whereby the lives or health of the persons, or the safety of the mines and machinery are endangered, every such per-

What acts of a miner, workman, or other person, deemed a misdemeanor.

Penalty upon conviction.

son shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty-five dollars.

Failure by any operator, agent, etc., to comply with provisions of this act, deemed a misdemeanor. Penalty on conviction.

8. The operator, occupier or agent of any mine who shall fail to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars or more than one hundred dollars.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXVII.

AN ACT fixing the times of holding the circuit courts in the first judicial circuit.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

Commencement of terms of court in first judicial circuit.

For Marshall county.

Hancock.

Brooke.

Ohio.

1. The days upon which the terms of the circuit court in the first circuit shall commence shall be as follows :

For the county of Marshall, on the fourth Monday of February and fourth Monday of August.

For the county of Hancock, on the third Monday of March and third Monday of September.

For the county of Brooke, on the fourth Monday of March and fourth Monday of September.

For the county of Ohio, on the second Monday of April and second Monday of October.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

CHAPTER LXXXVIII.

AN ACT to create an independent school district in the district of Union, in the county of Marion, to be called the district of Palatine.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

1. That the town of Palatine and adjacent territory,

designated and known as sub-district number three of Union school district, in the county of Marion, which is bounded as follows: Beginning at a culvert over Pumpkin run on the Baltimore and Ohio railroad, thence with said run to the lands of John C. Gallahue, thence with Gallahue's line and lines of J. O. Watson, including Watson's lands, to the mouth of Barthelow's lane at the county road, thence with said road to lands of Job. S. Gasken, thence with and including lands of Job. S. Gasken and I. N. Holland to the Morgantown and Bridgeport turnpike, thence with said turnpike to the boundary line of Winfield district, thence with said line of Winfield district, to the Monongalia river, thence with and including one-half of said river to mouth of Pumpkin run, thence with said run to the place of beginning, be and the same is hereby created an independent school district by the name of "the district of Palatine."

Independent
school district
established.
Boundary.

Name of district.

2. The board of education shall consist of a president and two commissioners, who shall be elected by the voters residing within said independent district, and shall be a corporation by the name of "the board of education of the district of Palatine," 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; without any transfer or conveyance they shall be deemed the owners of all real and personal property within their said district, which is now owned or held for free school purposes, by the board of education of Union district, and they shall have all the powers, perform all the duties and be subject to all the liabilities both of boards of education and trustees.

Board of education.
How elected.
Board incorporated.
Powers of corporation.

Property vested in board.

Duties and liabilities.

3. The board of education shall hold their office for the term of two years, beginning on the first day of September next after their election, and until their successors are elected and qualified according to law; except that the board first elected under this act shall hold their office from the first day of April, one thousand eight hundred and seventy-nine, to the first day of September next succeeding their election. Vacancies in the board shall be filled for the unexpired term by appointment by the board.

Term of office of board.

Exception as to board first elected.

Vacancies, how filled.

4. The first election of school officers under this act shall be held at the school house in Palatine on the second Saturday in March, one thousand eight hundred and seventy-nine, under the supervision of the officers appointed to hold the borough election, and the result thereof shall be ascertained and certified by the common council of Palatine in the same manner as is provided for by law in regard to the election of borough officers. All subsequent elections shall be held and the result thereof ascertained as required by the general school law.

First election for school officers; when and where held. How superintended; result ascertained and certified.

5. The board of education shall have power to establish

Power of board to establish a graded school. Provide us to taxation for such school.

Provision for continuing school longer than four months.

When board may continue to levy for same term and until when.

School moneys of Union district unexpended, how divided.

Basis of settlement and division.

When financial settlement to be made.

Provisions of general school law to apply, except, etc.

a graded school in their district and continue the same for eight months in each year; *Provided*, that taxation for such purposes shall not exceed the limit prescribed in the fortieth section of the general school law. No levy shall be made for the purpose of continuing said graded school for a longer period than four months in any one year until the same shall have been submitted to the voters of the district as provided for in the forty-first section of the general school law. And if the proposition for a longer term than four months have a majority of all the voters for and against, then the board shall levy accordingly, and shall continue to make the levy necessary for the same term, in each successive year until the length of the annual term of school shall be changed in the same manner as above provided for in case of continuation for a longer term than four months.

6. All school moneys, whether belonging to the teachers' or building fund of Union district, which may be unexpended at the date of the passage of this act, shall be divided between the said district of Union and the district of Palatine in proportion to the amount of taxable property in each of said districts, after the creation of the district of Palatine. The latest available assessment for state and county purposes shall be taken as the basis for such settlement and division. It shall be the duty of the aforesaid boards of education to make the financial settlement provided for in this section on or before the first day of June, one thousand eight hundred and seventy-nine.

7. The district of Palatine shall be subject to the general school law, except where it is herein otherwise provided.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect from its passage, two-thirds of the members elected to each house, by a vote taken by yeas and nays, having so directed.

CHAPTER LXXXIX.

AN ACT to amend and re-enact section fourteen of chapter fifty-five of the acts of one thousand eight hundred and seventy-seven, entitled "an act authorizing the incorporation of mutual fire insurance companies."

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia:

1. That section fourteen of chapter fifty-five of the acts

of one thousand eight hundred and seventy-seven, be amended and re-enacted so as to read as follows: Sec. 14 of chapter 55, acts 1877 amended.

"14. Every person who shall become a member of such company by effecting insurance therein, shall, before receiving a policy, execute his bond, in which shall be described briefly and concisely the property insured, and shall also pay in cash such a *per centum* of said bond as he or she may be required to pay, and the said bond shall be paid at such times and in such installments as the same may be required for the payment of losses by fire, and said bond shall bear interest, at a rate not exceeding three per cent per annum, to be fixed by the board of directors, and at the expiration of the term of insurance the said bond, or such part thereof as remains unpaid after deducting its proportion of all losses and expenses incurred during said term, shall be given up to the maker or makers thereof. And the county court clerk shall keep in his office, in a well bound book, a mutual fire insurance docket, in which he shall record without delay any bond given as aforesaid, when he shall be required to do so, by any insurance company organized under the law, when such bond has been signed by the obligor thereof and acknowledged before the said county court clerk or other person authorized to take the acknowledgement of deeds. In such docket there shall be stated in separate columns :

- I. Names of parties.
- II. Amount of bond.
- III. Property described in said bond as insured.
- IV. Date of bond.
- V. The date of docketing it.

Every bond shall, as soon as it is docketed, be indexed in the name of each defendant therein. If a county court clerk fail to do anything required of him by this section, he shall pay a fine of not less than thirty nor more than one hundred dollars to any person who will prosecute therefor, and for every bond recorded as aforesaid under the provisions of this act, the county court clerk shall be allowed fifty cents to be paid by the party having same recorded. Every bond given as aforesaid by any person or persons, shall be a lien on the real estate therein described and insured, from the time it is duly admitted to record, just as a mortgage would be, and said lien so created may always be enforced in a court of equity. Any lien acquired under this section shall be released in the same manner and mode as prescribed in chapter seventy-six, code of West of Virginia, in case of a deed of trust.

[Approved March 11, 1879.]

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES.]

The foregoing act takes effect at the expiration of ninety days after its passage.

What required of person who becomes a member of company, by effecting insurance thereon.

When bond to be paid
Bond to bear interest.

When and what part of said bond to be given up to maker.

County court clerk to keep a mutual fire insurance docket. Bond to be recorded; when.

What to be stated in docket of clerk.

Bond to be indexed.
Penalty on clerk for failure.

Fee for recording bond, by whom paid.

Effect of such bond when recorded.
How lien enforced.
How such lien may be released.

CHAPTER XC.

AN ACT authorizing the appointment of a state agent on immigration, and appropriating money for immigration purposes.

[Passed March 10, 1879.]

Be it enacted by the Legislature of West Virginia :

Who to be appointed.

His term of office.

Duties of such agent.

To avoid partiality and misrepresentation.

Appropriation to pay expenses. How drawn.

1. That as soon after the passage of this act as is practicable, the governor is hereby authorized and directed to appoint and commission C. E. Lutz, a citizen of Randolph county, as state agent on immigration, who shall hold the position of said agent until changed by the legislature or removed by the governor for any act detrimental to the interests of the state. Said agent is required to use all proper means to induce Swiss and other immigration into this state, and to furnish all information touching the agricultural, mining and mechanical interests to those who are seeking new homes. Said agent is further directed to avoid any partiality or misrepresentation in furnishing information relative to the various sections and interests of this state, and to use every means calculated to develop the material resources of West Virginia.

2. That the sum of five hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this act, and the auditor is hereby directed, by order of the governor, to issue his warrant on the treasurer for the sum hereby appropriated.

GEO. H. MOFFETT,
Speaker of the House of Delegates.

D. D. JOHNSON,
President of the Senate.

OFFICE OF SECRETARY OF STATE, March 14, 1879.

I certify that the foregoing act, having been presented to the governor for his approval and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

S. BRADY,
Secretary of State.

[NOTE BY THE CLERK OF THE HOUSE OF DELEGATES]

The foregoing act takes effect at the expiration of ninety days after its passage.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION appointing a joint committee to wait upon
the governor.

Resolved by the Legislature of West Virginia :

That a joint committee of three on the part of the house, and two on the part of the senate, be appointed to wait upon his excellency, the governor, and inform him that the two houses are organized, with a quorum of each house present and in session, and ready to receive any communication he may have to submit.

[Adopted January 9, 1879.]

[No. 2.]

JOINT RESOLUTION relating to the sale of leaf tobacco, as affected
by the provisions of the revenue laws of the United States.

Resolved by the Legislature of West Virginia :

1. That our senators be instructed, and our representatives in congress requested, to use every exertion to secure a modification of the present revenue law of the United States, so as to enable the producer of tobacco to sell his product to any person or in any quantity whatever.

2. That the secretary of state be instructed to forward an official copy of this resolution to each of our senators and representatives in congress.

[Adopted January 11, 1879.]

[No. 3.]

JOINT RESOLUTION in relation to the improvement of the Little Kanawha river.

Resolved by the Legislature of West Virginia :

1. That our senators be instructed, and our representatives requested, to use their efforts to secure the passage of a law by congress, making another appropriation of money, sufficient to complete the improvement of the Little Kanawha river.

2. That a copy of this resolution be transmitted by the governor to each of our senators and representatives in congress.

[Adopted January 14, 1879.]

[No. 4.]

JOINT RESOLUTION requesting our senators and representatives in congress to secure further and sufficient appropriations from the general government to complete the works begun on certain rivers in the state.

Resolved by the Legislature of West Virginia :

That our senators and representatives in congress be requested to use every effort to secure further and sufficient appropriations from the general government to complete the works begun on the Big Sandy, Guyandotte, Great Kanawha, Little Kanawha, Monongahela rivers, the South Branch of Potomac, New river, Elk river and Ohio river, with a view to the improvement of the navigation of said rivers. That the governor be and he is hereby requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

[Adopted January 16, 1879.]

[No. 5.]

JOINT RESOLUTION instructing our senators and requesting our representatives in congress, to urge the passage of the " Texas and Pacific railroad " bill.

WHEREAS, A trans-continental line of railway connecting the lower Mississippi valley with the Pacific coast, in a southern latitude, has

long been regarded as a necessity, primarily for the development of the south and southwest, as well as for the economic administration of governmental affairs, both in the civil and military departments, and

WHEREAS, The commerce of the country is unnecessarily burdened by exactions from the line of railway already constructed from the Missouri river to the Pacific ocean, which would be measurably, if not entirely relieved by competition; and

WHEREAS, The bounties of the government have been chiefly bestowed upon the north and northwest, and the south has received but small benefits in the way of improvement of her commercial lines; and

WHEREAS, The construction of the proposed line on or about the thirty-second parallel of north latitude, while it meets all the demands of the south, would be essentially a national highway; and

WHEREAS, The bill in congress, favorably reported from the committees of both houses, providing for aid by the government for the construction of the Texas and Pacific railway, meets the necessities of the south and the demands of the government, and at the same time makes it effectually a competitor with the existing line; therefore,

Resolved by the Legislature of West Virginia:

That our senators be instructed and our representatives requested to promote, by all proper means, the passage of said bill, or, if that cannot be done, then with such modifications as shall secure the speedy construction of said Texas and Pacific railway, connecting the Mississippi river with the Pacific ocean, with such restrictions as will surely make it a competing line, and subject to the fair and proper control of the government of the United States; and that the governor be requested to transmit a copy of this joint resolution to each of our senators and representatives in congress.

[Adopted January 20, 1879.]

[No. 6.]

JOINT RESOLUTION providing for the insurance of the capitol building.

Resolved by the Legislature of West Virginia:

That the board of public works be and are hereby authorized to contract for the insurance of the capitol building in Wheeling (which insurance expires on the first day of February, one thousand eight hundred and seventy-nine), for the term of three years; and that the committee on taxation and finance be instructed to include the amount required for such insurance in the general appropriation bill.

[Adopted January 23, 1879.]

[No. 7.]

JOINT RESOLUTION remitting the matter of voting for or against the Texas and Pacific railroad bill, now pending in congress, to our senators and representatives in congress, according to their best judgment.

WHEREAS, By a joint resolution of this legislature, adopted at this session, our senators were instructed and our representatives in congress requested to urge the passage of the bill, now pending in congress, known as the Texas and Pacific railroad bill; and

WHEREAS, The bill now pending before congress relating to the said Texas and Pacific road involves the government of the United States in a guaranty and possible liability of thirty-eight million dollars of principal and over ninety-seven million dollars of interest; and

WHEREAS, It has been recently suggested that the principal objects of the said Texas and Pacific railroad bill may be accomplished, without government aid or subsidy, by responsible parties and under circumstances of which our senators and representatives in congress have better means of information than can be acquired by this legislature; therefore be it

Resolved by the Legislature of West Virginia :

That the propriety of voting for or against the said Texas and Pacific railroad bill be remitted to the best judgment of our senators and representatives in congress, regardless of anything contained in the joint resolution heretofore adopted on that subject. Be it further

Resolved, That the governor be requested to transmit a copy hereof to each of our senators and representatives in congress.

[Adopted February 3, 1879.]

[No. 8.]

JOINT RESOLUTION providing for an extension of the present session of the Legislature.

WHEREAS, The time for the adjournment of this session of the legislature is near at hand and there is a large amount of business before it of great importance to the people of this state which business cannot be done in the time prescribed in the constitution, be it therefore,

Resolved by the Legislature of West Virginia, two-thirds of the members elected to each house agreeing thereto :

That the present session of the legislature be extended to the tenth day of March one thousand eight hundred and seventy-nine, at two o'clock P. M. if necessary, in order to complete the business now before it.

[Adopted February 19, 1879.]

[No. 9.]

JOINT RESOLUTION providing for a joint committee of the two houses to hold a conference asked for by the representatives of the Baltimore and Ohio Railroad company.

WHEREAS, Considerable interest is manifested by shippers generally along the line of the Baltimore and Ohio railroad in this state; and

WHEREAS, the Baltimore and Ohio railroad company propose to meet a joint committee of the two houses of the legislature, for the purpose of holding a conference by which they hope to make satisfactory arrangements with all the varied interests along the line of their road; therefore be it,

Resolved by the Legislature of West Virginia :

That a joint committee composed of five members of the house and three of the senate, to be selected by their respective houses to meet at as early an hour as possible with the legally constituted authorities of the Baltimore and Ohio railroad company for the purpose of consultation.

[Adopted March 4, 1879.]

[No. 10.]

JOINT RESOLUTION proposing an amendment to the constitution of the state.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto :

That the following be and the same is hereby proposed as an amendment to the constitution of this state, to-wit: That article eight of said constitution as it now is be stricken out, and the following be inserted in lieu thereof:

ARTICLE VIII.

JUDICIAL DEPARTMENT.

1. The judicial power of the state shall be vested in a supreme court of appeals, in circuit courts, and the judges thereof, in such inferior tribunals as are herein authorized, and in justices of the peace.

SUPREME COURT OF APPEALS.

2. The supreme court of appeals shall consist of four judges, any three of whom shall be a quorum for the transaction of business. They shall be elected by the voters of the state, and hold their office for the term of twelve years, unless sooner removed in the manner prescribed by this constitution, except that the judges in office when this article takes effect shall remain therein until the expiration of their present term of office.

3. It shall have original jurisdiction in cases of *habeas corpus*, *mandamus* and prohibition. It shall have appellate jurisdiction in civil cases where the matter in controversy, exclusive of costs, is of greater value or amount than one hundred dollars; in controversies concerning the title or boundaries of land, the probate of wills, the appointment or qualification of a personal representative, guardian, committee or curator; or concerning a mill, road, way, ferry or landing; or the right of a corporation or county to levy tolls or taxes, and also in cases of *quo warranto*, *habeas corpus*, *mandamus*, *certiorari* and prohibition, and in cases involving freedom or the constitutionality of a law. It shall have appellate jurisdiction in criminal cases where there has been a conviction for felony or misdemeanor in a circuit court, and where a conviction has been had in any inferior court and been affirmed in a circuit court, and in cases relating to the public revenue, the right of appeal shall belong to the state as well as the defendant, and such other appellate jurisdiction, in both civil and criminal cases, as may be prescribed by law.

4. No decision rendered by the supreme court of appeals shall be considered as binding authority upon any of the inferior courts of this state, except in the particular case decided, unless such decision is concurred in by at least three judges of said court.

5. When a judgment or decree is reversed or affirmed by the supreme court of appeals, every point fairly arising upon the record of the case shall be considered and decided; and the reasons therefor shall be concisely stated in writing, and preserved with the record of the case; and it shall be the duty of the court to prepare a syllabus of the points adjudicated in each case concurred in by three of the judges thereof, which shall be prefixed to the published report of the case.

6. A writ of error, *supersedeas*, or appeal shall be allowed only by the supreme court of appeals or a judge thereof, upon a petition assigning error in the judgment, or proceedings of the inferior court, and then only after said court or judge shall have examined and considered the record and assignment of errors, and is satisfied that there

is error in the same, or that it presents a point proper for the consideration of the supreme court of appeals.

7. If from any cause a vacancy shall occur in the supreme court of appeals, the governor shall issue a writ of election to fill such vacancy at the next general election for the residue of the term; and in the meantime he shall fill such vacancy by appointment until a judge is elected and qualified. But if the unexpired term be less than two years the governor shall fill such vacancy by appointment for the unexpired term.

8. The officers of the supreme court of appeals, except the reporter shall be appointed by the court, or, in vacation, by the judges thereof, with the power of removal; their duties and compensation shall be prescribed by law.

9. There shall be at least two terms of the supreme court of appeals held annually, at such times and places as may be prescribed by law.

CIRCUIT COURTS.

10. The state shall be divided into thirteen circuits. For the circuit hereinafter called the first, two judges shall be elected, and for each of the other circuits one judge shall be elected by the voters thereof. Each of the judges so elected shall hold his office for the term of eight years, unless sooner removed in the manner prescribed in this constitution. The judges of the circuit courts in office when this article takes effect, shall remain therein until the expiration of the term for which they have been elected in the circuits in which they may respectively reside, unless sooner removed as aforesaid. A vacancy in the office of a judge of the circuit court shall be filled in the same manner as is provided for in the case of a vacancy in the office of a judge of the supreme court of appeals. During his continuance in office the judge of a circuit court shall reside in the circuit of which he is judge. The business of the first circuit may be apportioned between the judges thereof, and such judges may hold courts in the same county or in different counties within the circuit at the same time or at different times, as may be prescribed by law.

11. A circuit court shall be held in every county in the state at least three times in each year, and provisions may be made by law for holding special terms of said court. A judge of any circuit may hold the courts in another circuit.

12. The circuit court shall have the supervision and control of all proceedings before justices and other inferior tribunals, by *mandamus*, prohibition and *certiorari*. They shall, except in cases confined exclusively by this constitution to some other tribunal, have original and general jurisdiction of all matters at law where the amount in controversy, exclusive of interest exceeds fifty dollars; of all cases of *habeas corpus*, *mandamus*, *quo warranto*, and prohibition; and of all cases in equity, and of all crimes and misdemeanors. They shall have appellate jurisdiction in all cases, civil and criminal, where an appeal, writ of error or *supersedeas* may be allowed to the judgment or proceedings of any inferior tribunal. They shall also have such other jurisdiction, whether supervisory, original, appellate, or concurrent, as is or may be prescribed by law.

13. Until otherwise provided by law, the state shall be divided into the following circuits: The counties of Brooke, Hancock, Ohio and Marshall, shall constitute the first circuit; the counties of Monongalia, Marion and Harrison, the second; the counties of Preston, Taylor, Barbour, Tucker and Randolph, the third; the counties of Wetzel, Tyler, Ritchie and Doddridge, the fourth; the counties of Wood, Wirt and Pleasants, the fifth; the counties of Clay, Gilmer, Jackson, Roane and Calhoun, the sixth; the counties of Putnam, Kanawha and Mason, the seventh; the counties of Cabell, Wayne, Lincoln and Logan, the eighth; the counties of McDowell, Mercer, Raleigh, Wyoming and Boone, the ninth; the counties of Greenbrier, Monroe, Summers, Fayette and Pocahontas, the tenth; the counties of Upshur, Lewis, Braxton, Nicholas and Webster, the eleventh; the counties of Grant, Hardy, Hampshire, Mineral and Pendleton, the twelfth; the counties of Jefferson, Berkeley and Morgan, the thirteenth.

14. The legislature may re-arrange the circuits herein provided for at any session thereof, next preceeding any general election of the judges of said circuits, and after the year one thousand eight hundred and eighty-eight, may, at any such session, increase or diminish the number thereof.

15. The legislature shall provide by law for holding regular and special terms of the circuit courts, where from any cause the judge shall fail to attend, or, if in attendance, cannot properly preside.

GENERAL PROVISIONS.

16. All judges shall be commissioned by the governor. The salary of a judge of the supreme court of appeals shall be two thousand two hundred dollars per annum, and that of a judge of the circuit court shall be one thousand eight hundred dollars per annum; and each shall receive the same mileage as members of the Legislature: *Provided*, that Ohio county may pay an additional sum per annum to the judges of the circuit court thereof; but such allowance shall not be increased or diminished during the term of office of the judges to whom it may have been made. No judge, during his term of office, shall practice the profession of law or hold any other office, appointment or public trust, under this or any other government, and the acceptance thereof, shall vacate his judicial office. Nor shall he, during his continuance therein, be eligible to any political office.

17. Judges may be removed from office by a concurrent vote of both houses of the Legislature, when from age, disease, mental or bodily infirmity or intemperance, they are incapable of discharging the duties of their office. But two-thirds of all the members elected to each house must concur in such vote, and the cause of removal shall be entered upon the journal of each house. The judge against whom the Legislature may be about to proceed shall receive notice thereof, accompanied with the cause alleged for his removal, at least twenty days before the day on which action is proposed to be taken therein.

18. The voters of each county shall elect a clerk of the circuit court, whose term of office shall be six years; his duties and compensation and the manner of removing him from office shall be prescribed by law; and when a vacancy shall occur in the office, the circuit court or the judge thereof in vacation shall fill the same by appointment until the next general election. In any case in respect to which the clerk shall be so situated as to make it improper for him to act, the said court shall appoint a clerk to act therein. The clerks of said courts in office when this article takes effect, shall remain therein for the term for which they were elected, unless sooner removed in the manner prescribed by law.

19. The Legislature may establish courts of limited jurisdiction within any county, incorporated city, town or village, with the right of appeal to the circuit court, subject to such limitations as may be prescribed by law; and all courts of limited jurisdiction heretofore established in any county, incorporated city, town or village, shall remain as at present constituted until otherwise provided by law. The municipal court of Wheeling shall continue in existence until otherwise provided by law, and said court and the judge thereof, shall exercise the powers and jurisdiction heretofore conferred upon them; and appeals in civil cases from said court shall lie directly to the supreme court of appeals.

20. No citizen of this state who aided or participated in the late war between the government of the United States and a part of the people thereof, on either side, shall be liable in any proceeding, civil or criminal; nor shall his property be seized or sold under final process issued upon judgments or decrees heretofore rendered, or otherwise, because of any act done in accordance with the usages of civilized warfare in the prosecution of said war. The Legislature shall provide, by general laws, for giving full force and effect to this section.

21. Such parts of the common law, and of the laws of this state as are in force when this article goes into operation, and are not repugnant thereto, shall be and continue the law of the state until altered or repealed by the legislature. All civil and criminal suits and proceedings pending in the former circuit courts of this state, shall remain and be proceeded in before the circuit courts of the counties in which they were pending.

COUNTY COURTS.

22. There shall be in each county of the state a county court, composed of three commissioners, and two of said commissioners shall be a quorum for the transaction of business. It shall hold four regular sessions in each year, at such times as may be fixed upon and entered of record by the said court. Provisions may be made by law for holding special sessions of said court.

23. The commissioners shall be elected by the voters of the county, and hold their office for the term of six years, except that at the first meeting of said commissioners they shall designate, by lot or otherwise, in such manner as they may determine, one of their number,

who shall hold his office for the term of two years, one for four years and one for six years, so that one shall be elected every two years. But no two of said commissioners shall be elected from the same magisterial district. And if two or more persons residing in the same district shall receive the greater number of votes cast at any election, then only the one of such persons receiving the highest number shall be declared elected, and the person living in another district, who shall receive the next highest number of votes, shall be declared elected. Said commissioners shall annually elect one of their number as president, and each shall receive two dollars per day for his services in court, to be paid out of the county treasury.

24. The county courts, through their clerks, shall have the custody of all deeds and other papers presented for record in their counties, and the same shall be preserved therein, or otherwise disposed of, as now is, or may be prescribed by law. They shall have jurisdiction in all matters of probate, the appointment and qualification of personal representatives, guardians, committees, curators, and the settlement of their accounts, and in all matters relating to apprentices. They shall also, under such regulations as may be prescribed by law, have the superintendence and administration of the internal police and fiscal affairs of their counties, including the establishment and regulation of roads, ways, bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. *Provided*, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained. They shall, in all cases of contest, judge of the election, qualification and returns of their own members, and of all county and district officers, subject to such regulations, by appeal or otherwise, as may be prescribed by law. Such courts may exercise such other powers, and perform such other duties, not of a judicial nature, as may be prescribed by law. And provision may be made, under such regulations as may be prescribed by law, for the probate of wills, and for the appointment and qualification of personal representatives, guardians, committees and curators during the recess of the regular sessions of the county court. Such tribunals as have been heretofore established by the legislature under and by virtue of the thirty-fourth section of the eighth article of the constitution of one thousand eight hundred and seventy-two, for police and fiscal purposes, shall, until otherwise provided by law, remain and continue as at present constituted in the counties in which they have been respectively established, and shall be and act as to police and fiscal matters in lieu of the county court created by this article until otherwise provided by law. And, until otherwise provided by law, such clerk as is mentioned in the twenty-sixth section of this article, shall exercise any powers and discharge any duties heretofore conferred on, or required of any court or tribunal established for judicial purposes under the said article and section of the constitution of one thousand eight hundred and seventy-two, or the clerk of such court or tribunal respectively, respecting the recording and preservation of deeds and other papers presented for record, matters of probate, the appointment and qualification of personal representatives, guardians, committees, cura-

tors and the settlement of their accounts and in all matters relating to apprentices.

25. All actions, suits and proceedings not embraced in the next preceding section, pending in a county court when this article takes effect, together with the records and papers pertaining thereto, as well as all records and papers pertaining to such actions, suits and proceedings, as have already been disposed of by said courts, shall be transmitted to and filed with the clerk of the circuit court of the county, to which office all process outstanding at the time this article goes into operation shall be returned; and said clerk shall have the same power and shall perform the same duties in relation to such records, papers and proceedings as were vested in and required of the clerk of the county court, on the day before this article shall take effect. All such actions, suits and proceedings so pending as aforesaid, shall be docketed, proceeded in, tried, heard and determined in all respects by the circuit court, as if said suits and proceedings had originated in said court.

26. The voters of each county shall elect a clerk of the county court, whose term of office shall be six years. His duties and compensation, and the manner of his removal, shall be prescribed by law. But the clerks of said courts, now in office, shall remain therein for the term for which they have been elected, unless sooner removed therefrom, in the manner prescribed by law.

27. Each county shall be laid off into districts, not less than three nor more than ten in number, and as nearly equal as may be in territory and population. There shall be elected in each district containing a population not exceeding twelve hundred, one justice of the peace, and if the population exceeds that number, two such justices shall be elected therein. Every justice shall reside in the district for which he was elected, and hold his office for the term of four years, unless sooner removed in the manner prescribed by law. The districts as they now exist, shall remain till changed by the county court.

28. The civil jurisdiction of a justice of the peace shall extend to actions of assumpsit, debt, detinue and trover, if the amount claimed, exclusive of interest, does not exceed three hundred dollars. The jurisdiction of justices of the peace shall extend throughout their county; they shall be conservators of the peace, and have such jurisdiction and powers in criminal cases as may be prescribed by law. And justices of the peace shall have authority to take the acknowledgment of deeds and other writings, administer oaths, and take and certify depositions. And the legislature may give to justices such additional civil jurisdiction and powers within their respective counties as may be deemed expedient, under such regulations and restrictions as may be prescribed by general law, except that in suits to recover money or damages their jurisdiction and powers shall in no case exceed three hundred dollars. Appeals shall be allowed from judgments of justices of the peace in such manner as may be prescribed by law.

29. The legislature shall upon the application of any county, reform, alter or modify the county court established by this article in

such county, and in lieu thereof, with the assent of a majority of the voters of such county, voting at an election, create another tribunal for the transaction of the business required to be performed by the county court created by this article; and in such case, all the provisions of this article in relation to the county court shall be applicable to tribunal established in lieu of said court. And when such tribunal has been established, it shall continue to act in lieu of the county court until otherwise provided by law.

30. The office of commissioner and justice of the peace shall be deemed incompatible. Vacancies in the office of commissioner, clerk of the county court and justices of the peace shall be filled by the county court of the county until the next general election.

[Adopted March 6, 1879.]

[No. 11.]

JOINT RESOLUTION proposing an amendment to the constitution of this state.

Resolved by the Legislature of West Virginia, two-thirds of all the members elected to each house agreeing thereto:

That the following be and the same is hereby proposed as an amendment to the constitution of this state, to-wit:

That section thirteen, of article three, as it now is, be stricken out and the following be inserted in lieu thereof:

“13. In suits at common law, where the value in controversy exceeds twenty dollars, exclusive of interest and costs, the right of trial by jury, if required by either party, shall be preserved; and in such suit before a justice a jury may consist of six persons. No fact tried by a jury shall be otherwise re-examined in any case than according to the rules of the common law.”

[Adopted March 7, 1879.]

[No. 12.]

JOINT RESOLUTION providing regulations for the government of the Baltimore and Ohio railroad company within this state.

WHEREAS, On the one hand serious complaints have been made against the Baltimore and Ohio railroad company on account of its discriminating freight charges, and on the other hand the business

and interest of shippers over the said railroad, who have had the benefit of special rates of freight charges, have been, or are about to be disastrously affected by the withdrawal of such special rates; and

WHEREAS, It is claimed by the said company that it is advised that such special rates are not warranted by a strict and technical construction of its charter, and that the recent withdrawal of such rates became a necessity under a joint resolution now pending before the Legislature, looking to the vacation of its charter by *quo warranto* proceedings; and

WHEREAS, It is a matter of primary importance to protect the rights and interests of all classes of shippers over the said railroad as far as the same may be done at present; therefore, be it

Resolved by the Legislature of West Virginia:

1. That special rates of freight hereafter granted by the Baltimore and Ohio railroad company during the time that this resolution shall continue in force shall not be deemed or held a violation of the charter of said company. *Provided*, That when such special rates have been granted to any shipper or shippers of freight at any point or station on its railroad, upon any article, the same special rates shall be granted to any other shipper by the car load, of the same or similar article from the same point or station (or from any other point or station having the same rates of charge on the regular tariff list of the company), unless such other station be a competing one; *and provided further*, that when such special rates are granted to any shipper, the local agent of the company at the point or station from or to which such article may be shipped, and the local agents at all other stations that may be affected thereby (according to the foregoing principle), shall be promptly notified of such special rates and instructed to give other shippers by the car load the benefit of the same, on the same or similar articles. All persons shipping to the extent of one full car load at one time from the same station shall have the benefit of the special rates aforesaid when granted to any other person, and any attempt to evade the foregoing provisions by rebates, drawbacks, or otherwise, shall be void. But this shall not prevent the company from changing such rates from time to time, provided the rates are made upon the principles herein stated, but there shall be no increase on such rates during the time such rates are contracted for.

2 It shall be the duty of the said railroad company to report to the board of public works from time to time all special rates granted under the provisions of the foregoing section, specifying the time when granted, the rate and the article or articles; and it shall be the duty of the said board to investigate all charges or complaints of violation of the provisions of the said section, and to correct any abuses that may be found to exist, and then, if necessary, to institute such legal proceedings as may be necessary and proper to enforce a compliance with such provisions.

3. Nothing in this resolution, except as herein otherwise provided, shall be construed to waive any right or cause of action reserved to, or vested in the state, or any citizen thereof, by the charter of the said company, nor shall the same be construed to waive any cause of

action heretofore or hereafter accruing to, or vested in the state, or any citizen thereof, by reason of any violation of the charter of, or law governing said company, except as herein provided.

4. The provisions of this resolution shall apply to the Parkersburg branch as well as to the main stem of the Baltimore and Ohio railroad, and also to the Valley branch of the same so far as it is within this state.

5. That by the acceptance by the Baltimore and Ohio railroad company of the provisions of this resolution, all proceedings under any joint resolution directing legal proceedings to be instituted against the said company, shall be suspended, but nothing in the resolution shall be so construed as to prevent the institution of any legal proceedings which may be necessary to secure the just rights of the public.

6. This resolution shall continue in force until otherwise provided by law.

[Adopted March 8, 1879.]

[No. 13.]

JOINT RESOLUTION providing for the printing and distribution of the acts and joint resolutions of the Legislature.

Resolved by the Legislature of West Virginia :

That the clerk of the house of delegates furnish the public printer within thirty days after the adjournment of the Legislature the acts and joint resolutions passed at the present session, with side notes, headings, and a suitable index showing when passed and from what time each act takes effect, and that the public printer as soon thereafter as practicable, print and bind two thousand five hundred copies thereof, and he shall deliver two thousand copies to the secretary of state who shall distribute them as follows : One copy to each judge, president of county court, justice, prosecuting attorney, clerk, sheriff, governor, secretary of state, attorney general, auditor, treasurer and superintendent of free schools, in this state, and the residue of said two thousand copies he shall transmit equally to the members of the Legislature; and the balance of said two thousand five hundred copies shall be deposited with the secretary of state for sale; and if the clerk of the house of delegates shall fail or refuse to furnish said acts and joint resolutions to the public printer within the time herein before mentioned he shall forfeit for each day beyond the time mentioned, two dollars and fifty cents, to be deducted by the auditor from his salary as keeper of the rolls. And the auditor is hereby directed not to draw his warrant upon the treasurer of the state for any part of the salary of the clerk of the house of delegates as keeper of the rolls until this resolution has been complied with.

[Adopted March 10, 1879.]

[No. 14.]

JOINT RESOLUTION providing for an extension of the present session of the Legislature.

Resolved by the Legislature of West Virginia, two-thirds of the members of each house concurring :

That the present session of the Legislature be extended until six o'clock P. M. on Monday, March ten, one thousand eight hundred and seventy-nine. *Provided*, That no more bills be passed by the senate or house of delegates after two o'clock P. M. And provided further, That no additional pay shall accrue to any senator or member of the house by reason of this extension.

: [Adopted March 10, 1879.]

[No. 15.]

JOINT RESOLUTION appointing a joint committee to wait upon the governor.

Resolved by the Legislature of West Virginia :

That a committee of three on the part of the house and two on the part of the senate be appointed to wait upon his excellency, the governor, and inform him that the two houses have completed the business before them and are ready to adjourn *sine die*, and ascertain whether his excellency has any further communication to make to the two houses.

[Adopted March 10, 1879.]

CONCURRENT RESOLUTION.

CONCURRENT RESOLUTION providing for a joint committee of the two bodies, to whom shall be referred all propositions for the modification of the judiciary system.

WHEREAS, It is evident that numerous propositions for the modification of the present judiciary system will be laid before each house of the present legislature for its consideration, therefore be it

Resolved, That a committee of three members on the part of the senate and five on the part of the house of delegates be appointed, to whom all propositions on said subject shall be referred.

[Concurred in January 14, 1879.]

CORPORATIONS.

SENTINEL PRINTING COMPANY.

I, Sobieski Brady, 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 "Sentinel Printing Company," for the purpose of printing and publishing a newspaper at the town of Grafton, in Taylor county, in the state of West Virginia, and for carrying on other branches of printing and publishing business at said town, which said corporation shall keep its principal office or place of business at the said town of Grafton, and is to expire on the first day of April, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of one thousand one hundred and forty dollars (\$1,140) to the capital stock thereof, and have paid in on said subscription the sum of four hundred dollars, and desire the privilege of increasing said capital, by the sales of additional shares from time to time, to ten thousand dollars in all.

The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

S. P. McCormick, of Grafton, W. Va., three shares;
T. E. Davis, of Grafton, W. Va., five shares;
J. W. Holt, of Grafton, W. Va., twenty shares;
E. G. Jefferys, of Grafton, W. Va., five shares;
Arthur Sinsel, of Grafton, W. Va., two shares;
Thomas D. Howard, of Grafton, W. Va., three shares;
M. M. Jefferys, of Grafton, W. Va., three shares;
Fred Bemhold, of Grafton, W. Va., four shares;
S. L. Allen, of Grafton, W. Va., three shares;
C. F. W. Kunst, of Grafton, W. Va., three shares;
A. H. Thayer, of Grafton, W. Va., three shares;
George W. Brown, of Grafton, W. Va., three shares.

And the stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of April, one thousand eight hundred and seventy-seven :

S. P. McCORMICK,
T. E. DAVIS,
JAS. W. HOLT,
E. G. JEFFERYS,
ARTHUR SINSEL,
THOMAS D. HOWARD,
M. M. JEFFERYS,
S. L. ALLEN,
A. H. THAYER,
C. F. W. KUNST,
FRED BEMHOLD,
GEO. W. BROWN.

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, one thousand eight hundred and ninety-seven, 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,
[G. S.] at the city of Wheeling, this twenty-third day of April, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

GREAT BELT OIL COMPANY.

I, Sobieski Brady, 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 "Great Belt Oil Company," for the purpose of boring and mining for petroleum oil, buying and selling the same and its products, and preparing the same for market, which corporation shall keep its principal office or place of business at the city of Parkersburg, county of Wood, state of West Virginia, and is to expire on the sixth day of April, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of ten thousand dollars to the capital thereof, and have paid in on said subscription the sum of ten hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say:

John A. Steel, ten shares;
David E. Steel, ten shares;
M. C. C. Church, sixty shares;
Wait Farrow, ten shares;
Van H. Bukey, ten shares.

All of said corporators being residents of Wood county, West Virginia, except M. C. C. Church, who is a resident of the state of Ohio.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this sixth day of April, one thousand eight hundred and seventy-seven.

M. C. C. CHURCH,
E. W. FARROW,
VAN H. BUKEY,
JOHN A. STEEL,
DAVID E. STEEL.

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 sixth day of April, one thousand eight hundred and ninety-seven, 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, [G. S.] at the city of Wheeling, this fourteenth day of May, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

MONITOR TOW BOAT AND LUMBER COMPANY.

I, Sobieski Brady, 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 "Monitor Tow Boat and Lumber Company," for the purpose of towing boats, barges and other water craft, and transporting freight on the Mississippi and Ohio rivers and their tributaries; for building, buying and selling barges, boats and other water craft; for doing a general forwarding and commission business, and for dealing in, buying and selling coal, lumber and timber in all its varieties, manufactured and unmanufactured, together with any and all articles of general merchandise anywhere within the United States; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, in the state of West Virginia, and is to expire on the twelfth day of May, A. D., one thousand eight hundred ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of three thousand dollars and have paid in on said subscription the sum of three hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty-five thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

John A. Armstrong, five (5) shares ;
 Alexander Coon, five (5) shares ;
 Thomas B. Armstrong, five (5) shares ;
 Charles A. Coen, five (5) shares ,
 Robert P. Armstrong, five (5) shares ;
 Abner P. Hays, five (5) shares.

All the said stockholders being residents of the city of Wheeling, in the county of Ohio, and state of West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this fourteenth day of May, A. D., one thousand eight hundred and seventy-seven.

JOHN A. ARMSTRONG,
 ALEXANDER COEN,
 THOMAS B. ARMSTRONG,
 CHAS. A. COEN,
 ROBERT P. ARMSTRONG,
 ABNER P. HAYS.

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 twelfth day of May, one thousand eight hundred and ninety-seven, 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, [G. S.] at the city of Wheeling, this fifteenth day of May, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

BROADDUS FEMALE COLLEGE.

I, Sobieski Brady, 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 "Broaddus Female College," for the purpose of establishing at or near the town of Clarksburg as a seminary of learning for the instruction of young ladies in the various branches of a thorough and liberal education, literary, scientific and ornamental, which shall be known by the name of "Broaddus Female College," and further to secure a board of trustees that shall be appointed by said corporation, of which the president of the college shall be *ex officio* president, the authority to confer literary degrees upon such persons and grant diplomas to such

persons as in their opinion shall merit the same, in as ample a manner as any other college in this state, and to their testimonials of the same affix the seal of the corporation; two-thirds of which board of trustees shall be members in good standing of regular Baptist churches, and to them shall be entrusted the supervision of the internal working of the institution; and to this end the corporation is to be authorized to acquire title to real estate not exceeding ten acres, erect thereon suitable and necessary buildings for the purpose aforesaid, in or near the town of Clarksburg; which corporation shall keep its principal office or place of business at Clarksburg, and shall have succession by its corporate name without limit.

And for the purpose of forming the said corporation we have subscribed the sum of three thousand three hundred dollars to the capital thereof, and have paid in on said subscription the sum of three hundred and thirty dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Daniel Boughner, Clarksburg, W. Va., six shares;
 James M. Lyon, Harrison county, W. Va., two shares;
 Jasper Pew, Clarksburg, W. Va., six shares;
 Joseph F. Osborn, Clarksburg, W. Va., two shares;
 J. R. Boggess, Clarksburg, W. Va., two shares;
 Leo Haymond, Clarksburg, W. Va., two shares;
 Jasper Y. Moore, Clarksburg, W. Va., two shares;
 Nathan Goff, Jr., Clarksburg, W. Va., two shares;
 John J. Davis, Clarksburg, W. Va., two shares;
 W. P. Holden & Co., Clarksburg, W. Va., two shares;
 E. J. Willis, Clarksburg, W. Va., two shares;
 M. C. Bell, Clarksburg, W. Va., two shares;
 A. J. Garrett, Harrison county, W. Va., two shares;
 James M. Mines, Harrison county, W. Va., two shares;
 C. C. Zinn, Clarksburg, W. Va., two shares;
 Hezekiah Hoskinson, Clarksburg, W. Va., one share;
 James C. Garrett, Harrison county, W. Va., two shares;
 Henry Langford, Lewis county, W. Va., two shares;
 M. G. Holmes, Clarksburg, W. Va., two shares;
 W. S. Sumner, Clarksburg, W. Va., two shares;
 G. D. Camden, Clarksburg, W. Va., two shares;
 J. W. Lynch, Harrison county, W. Va., two shares;
 Truman Elliott, Harrison county, W. Va., two shares;
 Luther Haymond, Clarksburg, W. Va., two shares;
 B. Wilson, Harrison county, W. Va., two shares;
 M. V. Hurst, Harrison county, W. Va., two shares;
 James Monroe, Harrison county, W. Va., two shares;
 Alexander Duff, Clarksburg, W. Va., one share;
 E. A. Peck, Clarksburg, W. Va., two shares;
 A. H. Osborn, Clarksburg, W. Va., two shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twelfth day of May, A. D., one thousand and eight hundred and seventy-seven.

N. GOFF, JR.
 D. BOUGHNER,
 JASPER PEW,
 JOHN R. BOGGESS,
 LEE HAYMOND,
 JASPER Y. MOORE,
 JOHN J. DAVIS,
 W. P. HOLDEN & Co.
 E. J. WILLIS,
 M. C. BELL,
 A. J. GARRETT,
 JAMES M. MINES,
 C. C. ZINN,
 A. DUFF.
 J. C. GARRETT,
 HENRY LANGFORD,
 MATHEW G. HOLMES,
 WM S. SUMNER,
 G. D. CAMDEN,
 J. W. LYNCH,
 JAMES M. LYON,
 TRUMAN ELLIOTT,
 LUTHER HAYMOND,
 B. WILSON,
 M. V. HURST,
 JAMES MONROE,
 HEZEKIAH HOSKINSON,
 E. A. PECK,
 A. H. OSBORN,
 J. F. OSBORN.

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 perpetually, 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 [G. S.] the city of Wheeling, this nineteenth day of May, one thousand and eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

RIVERSIDE BUILDING ASSOCIATION.

I, Sobieski Brady, 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 "Riverside Building Association," for the purpose of raising money to

be loaned among the members of such corporation, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio, and is to expire on the first day of May, one thousand eight hundred and eighty-seven.

And for the purpose of forming said corporation, we have subscribed the sum of six hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of sixty-five dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to five hundred and twenty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred and thirty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Jacob Hull, one share;
 James McAdams, one share;
 James E. Hanes, one share;
 John F. Miller, one share;
 William C. Handlan, one share.

All of the city of Wheeling, W. Va.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this first day of May, one thousand eight hundred and seventy-seven.

JACOB HULL,
 JAMES McADAMS,
 JNO. F. MILLER,
 JAMES E. HANES,
 W. C. HANDLAN.

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 May, one thousand eight hundred and eighty-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-first day of May, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

ATLANTIC AND WEST VIRGINIA MINING COMPANY.

I, Sobieski Brady, 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 "Atlantic and West Virginia Mining Company," for the purpose of

mining iron ore, coal and minerals, boring for petroleum oil and salt water, the manufacture of iron and salt, the refining and manufacture of petroleum and other oils and substances, the marketing and selling the same, the purchase of all articles desired in the business, the laying of pipe lines, erecting storage tanks, the transportation of merchandise, &c., and the transaction of a general mercantile and manufacturing business; which corporation shall keep its principal office in the city and state of New York, and transact its principal operations in Kanawha county, in the state of West Virginia, and is to expire on the fifteenth day of May, A. D. one thousand eight hundred and ninety-seven.

And for the purpose of forming said corporation, we have subscribed the sum of twenty-five thousand dollars, and have paid in on said subscriptions the sum of two thousand five hundred dollars, and desire the privilege of increasing the said capital, 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, that is to say:

Enoch Ketchum, New York city, fifty shares;
 Samuel T. Payson, Brooklyn, N. Y., fifty shares;
 John L. Merrill, East Orange, N. J., fifty shares;
 Abiel Abbot, East Orange, N. J., fifty shares;
 George Merrill, Parkersburg, W. Va., fifty shares.

And the capital to be hereafter issued is to be divided into shares of like amount.

Given under our hands this fifteenth day of May, A. D. one thousand eight hundred and seventy-seven.

E. KETCHUM,
 SAMUEL T. PAYSON,
 JOHN L. MERRILL,
 ABIEL ABBOT,
 GEO. MERRILL.

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 May, one thousand eight hundred and ninety-seven, 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,
 [G. S.] at the city of Wheeling, this twenty-third day of May, one thousand, eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

WHEELING GYMNASIUM.

I, Sobieski Brady, 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 Gymnasium," for gymnastic purposes, which corporation shall keep its principal office and place of business at Wheeling, in the county of Ohio, state of West Virginia.

And for the purpose of forming the said corporation, we have subscribed the sum of one hundred dollars to the capital thereof, and have paid in on said subscription the sum of ten dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty thousand dollars in all.

The capital so subscribed is divided into shares of twenty dollars each, which are held by the undersigned respectively as follows, that is to say: by

T. C. Moffat, Wheeling, W. Va., one share;
 J. J. Woods, Wheeling, W. Va., one share;
 W. G. Wilkinson, Wheeling, W. Va., one share;
 J. C. Alderson, Wheeling, W. Va., one share,
 T. H. Norton, Wheeling, 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 twenty-third day of May, one thousand eight hundred and seventy-seven.

T. C. MOFFAT,
 J. J. WOODS,
 W. G. WILKINSON,
 J. C. ALDERSON,
 T. H. NORTON.

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.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of May, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

KANAWHA FALLS BOOM COMPANY.

I, Sobieski Brady, 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 Falls Boom Company," for the purpose of constructing, maintaining and operating one or more booms on the Great Kanawha river, at some point or points between its falls and Rigg's ferry, in Fayette county, West Virginia, and of stopping and securing logs, timber, lumber and other floatables therein, and of performing upon said river and its tributaries any or all of the functions authorized to boom companies by an act of the Legislature of West Virginia, passed during its session of one thousand eight hundred and seventy-six and seven, authorizing the formation of corporations for the purpose of constructing booms, &c., and for such other operations, purchases, &c., as may be lawful and accessory to the economical and successful working of the enterprise, which corporation shall have its principal office or place of business at Kanawha Falls, in the county of Fayette, West Virginia, and is to commence on the sixth day of June, A. D. one thousand eight hundred and seventy-seven, and is to expire on the sixth day of June, A. D., one thousand nine hundred and seven.

And for the purpose of forming the said corporation we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all.

The capital stock so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, viz :

H. A. Frink, of Baltimore, Maryland, forty-six (46) shares :

James A. Walkinshaw, of Milton, Cabell county, West Virginia, one (1) share ;

Joseph R. Stowers, of Kanawha Falls, Fayette county, West Virginia, one (1) share ;

Robert S. Stowers, of Kanawha Falls, Fayette county, West Virginia, one (1) share ;

Charles A. Conner, of Cincinnati, Ohio, one (1) share.

And the capital stock to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twelfth day of March, A. D. one thousand eight hundred and seventy-seven.

H. A. FRINK,
JAS. A. WALKINSHAW,
JOSEPH R. STOWERS,
R. S. STOWERS,
CHARLES S. CONNER.

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 sixth day of June, one thousand nine hundred and seven, 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,
[G. S.] at the city of Wheeling, this sixth day of June, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

KANAWHA FALLS LUMBER COMPANY.

I, Sobieski Brady, 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 Falls Lumber Company," for the purpose of erecting saw mills, purchasing, holding and conveying real estate, cutting logs, manufacturing lumber, doing a mercantile business in connection therewith and generally for performing any and all operations which may be lawful and accessory thereto; which corporation shall have its principal office or place of business at Kanawha Falls, Fayette county, West Virginia, and is to commence on the sixth day of June, A. D. one thousand eight hundred and seventy-seven, and is to expire on the sixth day of June, A. D. one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing said capital, by sales of additional shares of stock from time to time, to one hundred thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, viz.:

H. A. Frink, of Baltimore, Md., one share;

James A. Walkinshaw, of Milton, Cabell county, W. Va., one share;

Joseph R. Stowers, of Kanawha Falls, Fayette county, W. Va., one share;

Robert S. Stowers, of Kanawha Falls, Fayette county, W. Va., one share;

Charles S. Conner, of Cincinnati, O., one share.

And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twelfth day of March, one thousand eight hundred and seventy-seven.

H. A. FRINK,
JAS. A. WALKINSHAW,
JOSEPH R. STOWERS,
R. S. STOWERS,
CHARLES S. CONNER.

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 sixth day of June, one thousand eight hundred and ninety-seven, 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, [G. S.] at the city of Wheeling, this sixth day of June, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE MIDDLE MOUNTAIN IRON COMPANY.

I, Sobieski Brady, 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 "Middle Mountain Iron Company," for the purpose of mining, manufacturing and dealing in iron and other ores, which corporation shall keep its principal office or place of business at Moorefield, Hardy county, West Virginia, and is to expire on the twenty-fifth day of May, one thousand eight hundred and ninety-six.

And for the purpose of forming said corporation, we have subscribed in real estate, which it has been agreed by and between us shall be accepted in full as a subscription of the sum of thirty-one thousand six hundred dollars to the capital stock thereof. And we desire the privilege of increasing the said capital by sales of additional shares, from time to time, to three hundred thousand dollars in all.

The capital so subscribed is to be divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by

D. R. McNeil, of Hardy county, one hundred and fourteen shares;

Robert White, of Wheeling, W. Va., fifty shares;

H. L. Hoover, of Hardy county, thirty-six shares;

William Fisher, of Hardy county, thirty-six shares.

Thomas Maslin, Sr., of Hardy county, twenty-two shares;

Samuel A. McMechen, of Hardy county, thirty-six shares;

H. S. Carr, twenty shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-fifth day of May, A. D. one thousand eight hundred and seventy-seven.

S. A. McMECHEN,
WILLIAM FISHER,
H. S. CARR,
DANIEL R. McNEIL,
H. L. HOOVER,
THOMAS MASLIN,
ROBERT WHITE.

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 May, one thousand eight hundred and ninety-six, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twelfth day of June, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

GRANGE WOOLEN MANUFACTURING COMPANY.

I, Sobieski Brady, 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 "Grange Woollen Manufacturing Company," for the purpose of manufacturing and making all kinds of woollen goods, which corporation shall keep its principal place of business at Second Creek, in the county of Monroe, and is to expire on the first day of February, one thousand eight hundred and ninety-seven. And for the purpose of forming the said corporation, we have subscribed the sum of four thousand one hundred and thirty dollars to the capital stock thereof, and have paid in on said subscription the sum of four hundred and thirteen dollars, or ten per cent thereof, and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty thousand dollars in all. The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

James Mann, Greenbrier county, one hundred shares;
 W. T. Mann, Greenbrier county, two shares;
 B. F. Mann, Greenbrier county, ten shares;
 J. B. Leach, Monroe county, five shares;
 George B. Nickell, Monroe county, five shares;
 Porterfield P. Boyd, Monroe county, ten shares;
 Josephine Lemons, Monroe county, two shares;
 C. M. Davis, Monroe county, ten shares;
 William T. Patton, Monroe county, twenty shares;
 Jacob T. Black, Monroe county, five shares;
 J. T. Nickell, Monroe county, five shares;
 Tristram Patton, Monroe county, twenty shares,
 John A. Nickell, Monroe county, fifteen shares;
 William N. Nickell, Monroe county, five shares;
 Edward F. Patton, Greenbrier county, forty shares;
 Charles W. Hutchison, Monroe county, ten shares;
 Robert A. Patton, Monroe county, fifty shares;
 Newton Dickson, Monroe county, thirty shares;
 J. H. Crawford, Greenbrier county, twenty-five shares;
 John C. Burdett, Greenbrier county, ten shares;
 Cornelius Leach, Monroe county, five shares;
 Jesse Jones, Monroe county, three shares;
 Lewis A. Pence, Monroe county, three shares;
 George P. Young, Monroe county, three shares;
 John Irons, Monroe county, five shares;
 S. R. H. Irons, Monroe county, five shares;
 T. F. Nickell, Monroe county, two shares;
 Eli Rogers, Greenbrier county, five shares;
 Robert C. Burdett, Greenbrier county, two shares;
 Wm. White, administrator Jos. Dickson, deceased, Greenbrier county, two hundred shares.

Given under our hands this sixteenth day of June, one thousand eight hundred and seventy-seven.

JAMES MANN,
 W. T. MANN,
 B. F. MANN,
 W. T. PATTON,
 J. T. BLACK,
 C. M. DAVIS,
 E. F. PATTON,
 ROBERT A. PATTON,
 NEWTON DICKSON,
 ELSHA T. ARNT,
 GEORGE P. YOUNG,
 L. A. PENCE,
 JOHN C. BURDETT,
 J. H. CRAWFORD,
 C. LEACH,
 G. R. WILLIAMS,
 J. B. LEACH,
 T. F. NICKELL,
 J. T. NICKELL,
 GEORGE W. NICKELL,
 JESSE JONES,
 JOHN IRONS,
 JOHN A. NICKELL,
 WM. N. NICKELL,
 PORTERFIELD P. BOYD,
 S. R. H. IRONS,
 TRISTRAM PATTON,
 ELI RODGERS,
 ROB C. BURDETT,
 C. W. HUTCHISON,
 JOSEPHINE LEMONS,
 WM. WHITE,
 Admr. of Jos. Dickson, dec'd.

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 February, eighteen hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of June, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE VOLCANO HALL COMPANY.

I, Sobieski Brady, 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 Volcano Hall Company," for the purpose of erecting a building in which public meetings concerts, &c. may be held, with the intention that the said corporation shall carry on the business of renting the said building to musical and literary associations, and such other parties as may desire to use it, and also of procuring entertainments of various kinds to be given in the said building for the profit of the said corporation, which corporation shall keep its principal office or place of business at Volcano, in the county of Wood, and state of West Virginia, and is to expire on the thirty-first day of December, 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 two hundred and fifty-five dollars to the capital thereof, and paid in on said subscription the sum of twenty-five dollars and fifty cents, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty-five hundred dollars in all.

The capital so subscribed is divided into shares of one dollar each, which are held by the undersigned respectively as follows, that is to say: by

W. C. Stiles, Jr., of Volcano, W. Va., two hundred shares;
 Van H. Buckey, of Volcano, W. Va., ten shares,
 Alonzo Shufelt, of Volcano, W. Va., twenty-five shares;
 Wm. S. O'Brien, of Volcano, W. Va., ten shares;
 Lawrason Levering, of Volcano, W. Va., ten shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fourteenth day of July, in the year of our Lord one thousand eight hundred and seventy-seven.

W. C. STILES,
 VAN H. BUCKEY,
 WM. S. O'BRIEN,
 LAWRASON LEVERING,
 A. SHUFELT.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the thirty-first day of December, one thousand 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,
 [G. S.] at the city of Wheeling, this seventeenth day of July, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

BELMONT NAIL WORKS.

I, Sobieski Brady, 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 "Belmont Nail Works," for the purpose of producing and manufacturing iron and nails, which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the twenty-first day of July, A. D. one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of seven hundred dollars to the capital thereof, and have paid in on said subscription the sum of seventy 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: by

Henry Moore, of Baltimore, Md., one share .
 Robert Lehr, of Baltimore, Md., one share ;
 Michael Reilly, of Wheeling, W. Va., one share ;
 Thomas O'Brien, of Wheeling, W. Va., one share ;
 J. D. DuBois, of Wheeling, W. Va., one share ;
 Andrew Wilson, of Wheeling, W. Va., one share ;
 W. C. Handlan, of Wheeling, W. Va., one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-first day of July, A. D. one thousand eight hundred and seventy-seven.

M. REILLY,
 THOS. O'BRIEN,
 WM. C. HANDLAN,
 ANDREW WILSON,
 J. D. DUBOIS,
 HENRY MOORE,
 ROBERT LEHR.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-first day of July, one thousand eight hundred and ninety-seven, 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,
 [G. S.] at the city of Wheeling, this twenty-seventh day of July, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE VULCAN OIL COMPANY.

I, Sobieski Brady, 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 Vulcan Oil Company," for the purpose of mining for and producing petroleum oils, refining, treating, buying and selling, barreling and shipping petroleum oil and the products thereof; transporting the same in tank cars and barges, and doing a general mercantile business, which corporation shall keep its principal office and place of business at the city of Parkersburg, in the county of Wood, and state of West Virginia, and is to expire on the twenty-third day of July, one thousand eight hundred and ninety-seven.

For the purpose of forming said corporation, we have subscribed the sum of five thousand two hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of five hundred and twenty 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

Moses Sweetser, Parkersburg, W. Va., twenty shares;

George Merrell, of Parkersburg, W. Va., ten shares;

F. R. Rose, of Volcano, W. Va., ten shares;

Lawrason Levering, of Volcano, W. Va., ten shares;

D. W. Hines, of Volcano, W. Va., one share;

W. W. Gates, of Volcano, 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 twenty-eighth day of July, in the year of our Lord one thousand eight hundred and seventy-seven.

MOSES SWEETSER,
GEO. MERRELL,
F. R. ROSE,
LAWRASON LEVERING,
D. W. HINES,
W. W. GATES.

Wherefore, the corporators name 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 July, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G, S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this thirtieth day of July, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

JEFFERSON COUNTY AGRICULTURAL COLLEGE.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by

the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following ;

The undersigned agree to become a corporation by the name of the "Jefferson County Agricultural College," with its office or principal place of business at the college buildings, near Leetown, in Jefferson county, West Virginia, and it is designed to be perpetual, and for the purpose of establishing a college for the education of youths and teaching all the branches of useful information usually taught in colleges including military tactics, and especially those sciences desirable to fit a person for agricultural and mechanical pursuits. The said college is to be located near Leetown in said county, and to be under the control and direction of seven directors, to be elected by the stockholders, and for the purpose of receiving, holding and managing and applying such funds, money and property as may hereafter be bequeathed, devised or granted in aid thereof, as well as all funds which may be paid in by the stockholders in said corporation, and especially for the purpose of buying such real estate as they may deem necessary for the purpose of conducting such college and erecting such buildings as they may deem proper.

And for the purpose of forming said corporation we have subscribed the sum of three hundred dollars to the capital thereof, and have paid in on said subscription the sum of thirty 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 fifty dollars each which are held by the undersigned, respectively, citizens and residents of Jefferson county aforesaid, as follows :

Robert W. Baylor, one share ;
 Daniel B. Lucas, one share ;
 Thomas C. Green, one share ;
 Jas. H. Grove, one share ;
 E. Luc Wager, one share ;
 Hiram Showman, one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of December, A. D. one thousand eight hundred and seventy-six.

ROBERT W. BAYLOR,
 DAN'L B. LUCAS,
 THOMAS C. GREEN,
 JOHN H. GROVE,
 E. LUE WAGER,
 HIRAM SHOWMAN.

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.

[G. S.] Given under my hand, and the great seal of the said state at the city of Wheeling, this twentieth day of August, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

FIRE CREEK COAL AND COKE COMPANY:

I, Sobieski Brady, 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 "Fire Creek Coal and Coke Company." for the purpose of leasing or buying and owning coal lands and timber lands, mining and selling coal, manufacturing and selling coal and lumber, buying and selling general merchandise, and of acquiring and holding such property, real or personal, and of doing other acts, as said corporation may lawfully do as incidental or necessary to the transaction of the business aforesaid, which corporation shall keep its principal office or place of business at Fire Creek, in the county of Fayette, state of West Virginia, and is to expire on the thirty-first day of August, A. D., one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed and paid into the capital thereof the sum of eight thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all.

The capital so subscribed to be divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

John Freeman, Fire Creek, Fayette county, W. Va., sixty-two shares.

Thomas Davis, Fire Creek, Fayette county, W. Va., thirty-two shares.

Jenkins Jones, Fire Creek, Fayette county, W. Va., eighteen shares.

Joseph S. G. Coit, Hartford, Conn., forty-six shares.

Samuel Coit, Hartford, Conn., two shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this thirty-first day of August, A. D., one thousand eight hundred and seventy-seven.

JOHN FREEMAN,
his.
Witness, S. Coit, THOMAS DAVIS,
X
JENKIN JONES,
SAMUEL COIT,
J. S. G. COIT.

Wherefore, The corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the thirty-first day of August, one thousand eight hundred and ninety seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this nineteenth day of September, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

GOOD HOPE MERCHANDISING COMPANY.

I, Sobieski Brady, 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 "Good Hope Merchandising Company," for the purpose of retailing dry goods and groceries; that is to say, for the purpose of general merchandising by buying dry goods and groceries at wholesale and selling at retail; which corporation shall keep its principal office or place of business at Isaacs Creek, in the county of Harrison, and is to expire on the first day of January, one thousand eight hundred and eighty-five.

And for the purpose of forming the said corporation, we have subscribed the sum of one thousand, one hundred and twenty-five dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred and twelve dollars and fifty cents, 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:

William Burnside, Isaacs Creek, Harrison county, four shares;
 Jacob Sommerville, Isaacs Creek, Harrison county, four shares;
 John R. Lynch, Little Buffalo, Harrison county, four shares;
 Jacob Lynch, Big Buffalo, Harrison county, four shares;
 John J. Copendaffer, Ten Mile Creek, Harrison county, two shares;
 George W. Washburne, Isaacs Creek, Harrison county, two shares;
 William G. Ward, Duck Creek, Harrison county, two shares;
 James Maddox, Big Buffalo, Harrison county, three shares;
 John H. Summerville, Isaacs Creek, Harrison county, one share;
 Isaac N. Burnside, Isaacs Creek, Harrison county, two shares;
 Norval G. Patton, Little Buffalo, Harrison county, one share;
 Jacob P. Post, Isaacs Creek, Harrison county, one share;
 Joseph T. Sherwood, Middle Island, Doddridge county, one share;
 Stephen Bennet, Big Buffalo, Harrison county, two shares;
 Isaac L. Post, Big Buffalo, Harrison county, two shares;
 George P. McConkey, Isaacs Creek, Harrison county, one share;
 James W. Summorville, Isaacs Creek, Harrison county, one share,
 Jeremiah P. Chemront, West Fork R., Harrison county, two shares.

Waldo B. Brown, Isaacs Creek, Harrison county, one share;
 Isaac Lynch, Jr., West Fork River, Harrison county, one share;
 D. L. Perine, West Fork River, Harrison county, one share;
 Lloyd Washburn, West Fork River, Harrison county, two shares;
 John G. Burnside, West Fork River, Harrison 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 twenty-fifth day of August, one thousand eight hundred and seventy-seven.

WILLIAM BURNSIDE,
 JACOB SUMMERVILLE,
 JOHN R. LYNCH,
 JACOB LYNCH,
 JOHN J. COPENDAFFER,
 GEORGE W. WASHBURN,
 JAMES MADDOX,
 WILLIAM G. WARD,
 JOHN H. SOMMERVILLE,
 ISAAC N. BURNSIDE,
 NORVAL G. PATTON,
 JACOB P. POST,
 JOS. T. SHERWOOD,
 STEPHEN BENNETT,
 ISAAC L. POST,
 GEORGE P. MCCONKEY,
 J. W. SOMMERVILLE,
 JEREMIAH P. CHEMRONT,
 WALDO B. BROWN,
 ISAAC LYNCH, JR.,
 D. L. PERINE,
 LLOYD WASHBURN,
 JOHN G. BURNSIDE.

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, one thousand, eight hundred and eighty-five, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this twenty-fourth day of September, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE LEWISTON AND KANAWHA COAL COMPANY.

I, Sobieski Brady, 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 Lewiston and Kanawha Coal Company," for the purpose of mining, shipping and selling coal, and of manufacturing, shipping and selling coke, for general merchandising, and for all other purposes necessary and advantageous to the carrying on of the business and purposes of said corporation; which corporation shall keep its principal office at Charleston, in the county of Kanawha, West Virginia, and is to expire on the first day of September, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of eight thousand dollars to the capital thereof, and

have paid in on said subscription the sum of eight thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to 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

L. F. Donnally, Charleston, W. Va., twenty-nine shares,
 W. E. Truslow, Charleston, W. Va., twenty-nine shares ;
 John J. Goshorn, Charleston, W. Va., twenty shares ;
 W. B. Donnally, Buffalo, W. Va., one share ;
 D. C. Lovett, Charleston, W. Va., one share.
 Total, eighty shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands and seal, this seventeenth day of September, one thousand eight hundred and seventy-seven.

L. F. DONNALLY,	{SEAL.}
W. C. TRUSLOW,	{SEAL.}
JOHN J. GOSHORN,	{SEAL.}
W. B. DONNALLY,	{SEAL.}
D. C. LOVETT,	{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 September, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this twentieth day of September, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE STANDARD COMPANY.

I, Sobieski Brady, 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 Standard Company," for the purpose of printing and publishing newspapers and of carrying on the printing and publishing business generally, which corporation shall keep its principal office or place of business at Wheeling, West Virginia, and is to expire on the twenty-ninth day of September, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of eight thousand dollars to the capitol stock thereof,

and have paid in on said subscription the sum of eight thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to forty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Chester D. Hubbard, fifty shares ;
 Thomas H. Logan, ten shares ;
 William P. Hubbard, ten shares ;
 George W. Atkinson, five shares ;
 James S. Thurston, five shares.

All of the city of Wheeling and state of W. Va.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twenty-ninth day of September, one thousand eight hundred and seventy-seven.

CHESTER D. HUBBARD,
 THOMAS H. LOGAN,
 by C. D. Hubbard, attorney in fact,
 WILLIAM P. HUBBARD,
 GEO. W. ATKINSON,
 JAMES S. THURSTON.

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-ninth day of September, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this twenty-ninth day of September, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE PALATINE POTTERY COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "The Palatine Pottery Company," for the purpose of manufacturing and vending stoneware, stone piping and the various other products of potters clay, and for the purpose also of carrying on a general retail mercantile business at Palatine, Marion county, West Virginia, which corporation shall keep its principal office and place of business at Palatine aforesaid, in the said county of Marion, and is to expire on the twentieth day of September, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital stock thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time twenty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

John M. Harden, nineteen shares ;
 James Morrow, Jr., ten shares ;
 Cyrus H. Boyers, ten shares ;
 Andrew McCray, ten shares ;
 Isaac N. Holland, one share ;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twentieth day of September, one thousand eight hundred and seventy-seven.

JOHN M. HARDEN,
 C. F. BOYERS,
 JAMES MORROW, JR.
 ANDREW MCCRAY,
 I. N. HOLLAND.

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 twentieth day of September, one thousand eight hundred and ninety-seven, 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,
 [L. S.] at the city of Wheeling, this second day of October, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

KENTON SALT COMPANY.

I, Sobieski Brady, 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 "Kenton Salt Company," for the purpose of buying or leasing salt, coal and oil property, timber and farming lands; for mining, shipping and selling coal; manufacturing, shipping and selling salt, soda ash, bromine, and other chemicals from salt brine and bitterns; the manufacture, use and sale of boats and barrels; the running of steam-boats and barges for freighting, towing and other business; boring for salt, gas or oil; pumping, buying, refining, shipping and selling oil; farming and grazing; the purchase and sale of goods, supplies, and for such other operations as may be necessary to the economical and successful working of the enterprises named, or any of them;

which corporation shall have its principal office or place of business at Charleston, in the county of Kanawha, West Virginia, and is to expire on the fifteenth day of October, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing said capital, by sales of additional shares from time to time, to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Job E. Thayer, of Charleston, W. Va., ninety-eight shares;

John P. Hale, of Charleston, W. Va., ninety-nine shares;

David L. Ruffner, of Charleston, W. Va., one share;

James T. Doyle, of Charleston, W. Va., one share;

Walter B. Brooks, of Kanawha county, W. Va., one share.

And the stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this twelfth day of October, one thousand eight hundred and seventy-seven.

J. E. THAYER,
JOHN P. HALE,
W. B. BROOKS,
D. L. RUFFNER,
J. T. DOYLE.

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 October, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this fifteenth day of October, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

JEFFERSON COUNTY CO-OPERATIVE ASSOCIATION.

I, Sobieski Brady, 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 "Jefferson County Co-operative Association," for the purpose of buying, selling and trading in agricultural machinery, implements, fertilizers, dry goods, groceries and a general mercantile business in the town of Charlestown, county of Jefferson, and state of West Virginia, and for the purpose of acquiring real estate sufficient for houses

and storerooms for such business ; which corporation shall keep its office or place of business at Charlestown, in the county of Jefferson, and is to expire on the fifteenth day of November, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of four hundred and thirty dollars to the capital thereof, and have paid in on said subscription the sum of four hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned respectively as follows, that is to say, by :

Wm. H. T. Lewis, five shares ;
 Robert W. Baylor, twelve shares ;
 P. H. Powers, five shares ;
 P. Bowers, seven shares ;
 Isaac H. Strider, two shares ;
 John H. Strider, two shares ;
 Daniel Heflebower, ten shares ;

All residents of the county of Jefferson, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this ninth day of November, A. D. one thousand eight hundred and seventy-seven :

W. H. T. LEWIS,
 ROBERT W. BAYLOR,
 P. H. POWERS,
 P. BOWERS,
 I. H. STRIDER,
 JOHN H. STRIDER,
 DANIEL HEFLEBOWER.

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 November, one thousand eight hundred and ninety-seven, 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, [G. S.] at the city of Wheeling, this fifteenth day of November, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

BUCKEYE GLASS COMPANY.

I, Sobieski Brady, 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

"Buckeye Glass Company," for the purpose of manufacturing within the states of West Virginia and Ohio, glass and glassware in any and all its various forms, and of dealing in and selling the same there and elsewhere, and making all the molds and tools required for manufacturing glass and glassware, packages for packing the same, and any and all articles to attach to glassware, when manufactured; and for the purpose of dealing within said states and elsewhere in patents pertaining to the manufacture of glass and glassware in all its various branches, and of buying and of selling everywhere the rights to others; which corporation shall keep its principal office or place of business in the city of Wheeling, in the county of Ohio, and state of West Virginia, and is to expire on the eighth day of November, in the year one thousand eight hundred and ninety-seven.

And for the purpose of forming said corporation, we have subscribed the sum of one hundred and twenty-five dollars to the capital thereof, and have paid in on said subscription, the sum of twelve dollars and fifty cents; 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 twenty-five (25) dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

George Adams, of Wheeling, W. Va., one share
 John J. Jones, of Wheeling, W. Va., one share;
 John F. Miller, of Martin's Ferry, Ohio, one share;
 William A. Wilson, of Wheeling, W. Va., one share;
 Samuel P. Hildreth, of Wheeling, W. Va., one share.

And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our bands this eighth day of November, in the year one thousand eight hundred and seventy-seven.

GEORGE ADAMS,
 JOHN J. JONES,
 JOHN F. MILLER,
 WM. A. WILSON,
 S. P. HILDRETH.

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 eighth day of November, one thousand eight hundred and ninety-seven, 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.
 [(t. S.) at the city of Wheeling, this sixteenth day of November, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

EXCELSIOR BANK NOTE COMPANY.

I, Sobieski Brady, 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 "Excelsior Bank Note Company," for the purpose of carrying on the business of engraving and printing in every branch and incident of the art, and of making, manufacturing, preparing and using engraved plates and lithographic stones, and all other plates, materials and apparatus necessary and incidental to the business of engraving and printing, which corporation shall keep its principal office or place of business at Washington City, in the county of Washington, in the District of Columbia, and is to expire on the first day of November, in the year one thousand eight hundred and ninety-seven, and for the purpose of forming the said corporation we have subscribed the sum of two thousand and five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of two thousand and five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to one hundred thousand dollars in all.

The capital stock so subscribed is divided into shares of of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

John G. Wellstood, ten shares;
 John H. Rice, ten shares;
 William M. Wellstood, ten shares;
 Gabriel V. N. Ogden, ten shares;
 Robert Wellstood, ten shares;

All being residents of the said Washington City, in the District of Columbia.

Given under our hands this twenty-third day of November, in the year one thousand eight hundred and seventy-seven.

JOHN G. WELLSTOOD,
 JOHN H. RICE,
 GABRIEL V. N. OGDEN,
 ROBERT WELLSTOOD,
 WM. M. WELLSTOOD.

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 November, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-eight day of November, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE HAWK'S NEST COAL COMPANY, (LIMITED.)

STATE OF WEST VIRGINIA, }
 Office of Secretary of State. }

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify, under the act of the Legislature of the state of West Virginia, approved the twenty-first day of December, one thousand eight hundred and seventy-five, that "That the Hawk's Nest Coal Company, (Limited.);" have this day filed in my office a copy of their articles of association, and also a copy of the law under which they are incorporated.

In testimony whereof, I have hereunto set my hand and
 [G. S.] affixed the great seal of the said state, at the city of Wheeling, this first day of December, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

WACOMAH MINING COMPANY.

I, Sobieski Brady, 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 "Wacomah Mining Company," for the purpose mining or winning coal and any other minerals or substances found upon the lands hereafter to be acquired by them: to cut, work and ship timber; to manufacture iron or any other product that can be manufactured from iron, wood, salt, stone or clay; to let, demise or lease mineral lands, and especially coal lands; to sell, purchase and use timber privileges; which corporation shall have its principal office or place of business at Charleston, in the county of Kanawha, in West Virginia, and is to expire on the seventeenth day of November, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one million dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are hold by the undersigned, respectively, as follows, that is to say: by

George W. Riggs, of Washington, D. C., six shares;
 James F. Patton, of Union, Monroe county, W. Va., one share;
 William H. Edwards, of Coalburg, Kanawha county, W. Va., one share;
 Isaac N. Smith of Charleston, Kanawha county, W. Va., one share;

Charles C. Lewis, of Charleston, Kanawha county, 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 seventeenth day of November, one thousand eight hundred and seventy-seven.

GEO. W. RIGGS,
JAS. T. PATTON,
ISAAC N. SMITH,
CHAS. C. LEWIS,
W. H. EDWARDS,

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 seventeenth day of November, one thousand eight hundred and ninety-seven, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling this twelfth day of December, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary Brady.

PAINT CREEK MINING COMPANY.

I, Sobieski Brady, 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 "Paint Creek Mining Company," for the purpose of mining coal, and mining or winning any other minerals or substances found upon the lands hereafter to be acquired by them; to cut, work and ship timber; to manufacture iron, or any other product that can be manufactured from iron, wood, salt, stone, or clay; to let, demise or lease mineral lands, and especially coal lands; to sell or purchase and use timber privileges; which corporation shall have its principal office or place of business at Charleston, in the county of Kanawha, in West Virginia, and is to expire on the seventeenth day of November, one thousand eight hundred and ninety-seven.

And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to 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

George W. Riggs, of Washington, D. C., six shares;

James F. Patton, of Union, Monroe county, W. Va., one share ;
William H. Edwards, of Coalburg, Kanawha county, W. Va., one
share ;

Isaac N. Smith, of Charleston, Kanawha county, W. Va., one share ;
Charles C. Lewis, of Charleston, Kanawha county, 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 seventeenth day of November, one
thousand eight hundred and seventy-seven.

GEO. W. RIGGS,
ISAAC N. SMITH,
CHAS. C. LEWIS,
W. H. EDWARDS,
JAS. F. PATTON.

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 seventeenth day of November,
one thousand eight hundred and ninety-seven, 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,
[G. S.] at the city of Wheeling, this twelfth day of December, one
thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

ELK RIVER OIL COMPANY.

I, Sobieski Brady, 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 agree-
ment is in the words and figures following :

The undersigned agree to become a corporation by the name of
"Elk River Oil Company," for the purpose of mining for and pro-
ducing petroleum oils, buying, selling and refining petroleum oils and
the products thereof, laying pipe lines, storing and transporting oil
and other articles, mining and marketing coal, iron and minerals, and
doing a general manufacturing and mercantile business ; which cor-
poration shall keep its principal office and place of business in Kanawha
county, West Virginia, and is to expire on the twentieth day of De-
cember, A. D. one thousand eight hundred and ninety-seven.

For the purpose of forming said corporation, we have subscribed
the sum of eight thousand dollars, and have paid in on said subscrip-
tion the sum of eight hundred dollars, and desire the privilege of in-
creasing 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 dol-
lars each, which is held by the undersigned, respectively, as follows,
that is to say :

George Merrill, of Parkersburg, W. Va., twenty-five shares ;
 John W. Fuller, Charleston, W. Va., twenty-five shares ;
 Joel S. Quarrier, Charleston, W. Va., ten shares ;
 T. L. Parsons, Volcano, W. Va., ten shares ;
 John L. Merrill, East Orange, N. J., ten shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twentieth day of December, A. D. one thousand eight hundred and seventy-seven.

GEORGE MERRILL,
 J. W. FULLER,
 JOEL S. QUARRIER,
 T. L. PARSONS,
 JOHN L. MERRILL,

Per George Merrill, attorney in fact.

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 twentieth of December, one thousand eight hundred and ninety-seven, 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, [G. S.] at the city of Wheeling, this twenty-fourth day of December, one thousand eight hundred and seventy-seven.

S. BRADY,
Secretary of State.

THE FIRST CITY CORNET BAND OF MARTINSBURG.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation, by the name of "The First City Cornet Band of Martinsburg," for the purpose of improvement in instrumental music, and promoting and encouraging the same; which corporation shall keep its principal office or place of business at Martinsburg, in the county of Berkeley, and is to expire on the first day of January, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of one hundred and twenty-five dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twelve hundred dollars in all.

The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned respectively as follows:

George H. Couchman, of Martinsburg, five shares ;
 Jacob P. Swartz, of Martinsburg, five shares ;

Charles E. Dieffenderfer, of Martinsburg, five shares ;
 George D. Whitson, of Martinsburg, five shares ;
 A. T. Bratt, of Martinsburg, five shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this, the nineteenth day of January, one thousand eight hundred and seventy-eight.

GEORGE H. COUCHMAN,
 JACOB P. SWARTZ,
 CHAS. E. DIEFFENDERFER,
 GEO. D. WHITSON,
 A. T. BRATT.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-second day of January,
 one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

CENTRAL BUILDING ASSOCIATION NO. 3.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me ; which agreement is in the words and figures following :

The undersigned agree to become a corporation by the name of "Central Building Association No. 3," for the purpose of raising money to be loaned among the members of such corporation, for use in buying lots or houses or in building or repairing houses, which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio, and is to expire on the twenty-second of January, one thousand eight hundred and ninety eight.

And for the purpose of forming said corporation we have subscribed the sum of seven hundred and eighty dollars to the capital thereof, and have paid in on said subscription the sum of seventy-eight dollars and desire the privilege of increasing the said capital by sales of additional shares from time to time to five hundred and twenty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred and thirty dollars each, which are held by the undersigned, respectively, as follows, that is to say : by

C. H. Wheeler, one share ;
 Jas. E. Hanes, one share ;
 J. B. Tanoy, one share ;
 James Wheeler, one share ;

Oscar Sandrock, one share ;
 J. F. Miller, one share ;
 All of the city of Wheeling, W. Va.

And the capital hereafter to be sold is to be divided into shares of like amount.

Given under our hands this twenty-second day of January, one thousand eight hundred and seventy-eight.

C. H. WHEELER,
 JAMES E. HANES,
 J. B. TANEY,
 JAMES WHEELER,
 OSCAR SANDROCK,
 J. F. MILLER.

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-second day of January, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this twenty-third day of January, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

HARTFORD CITY OIL COMPANY.

I, Sobieski Brady, 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 "Hartford City Oil Company," for the purpose of boring for, mining and producing petroleum, refining and marketing the same, and to buy, sell or lease and deal generally in petroleum and such real and personal property as may be necessary to the successful prosecution of said business ; which corporation shall keep its principal office or place of business at the town of Hartford City, Mason county, West Virginia, and is to expire on the first day of January, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed two thousand dollars to the capital thereof, and have paid in on said subscription two hundred dollars, and desire the privilege of increasing the capital, by sales of additional shares from time to time, to fifty thousand dollars in all.

The capital so subscribed is divided into shares of twenty-five dollars each, and are hold by the undersigned as follows, that is to say :

G. W. Moredock, of Hartford City, Mason county, W. Va., ten shares ;

H. F. Donnally, of Hartford City, Mason county, W. Va., ten shares ;

D. E. Newton, of Hartford City, Mason county, W. Va., ten shares ;
 J. R. Meeks, of Hartford City, Mason county, W. Va., ten shares ;
 A. L. Schon, of Mason county, W. Va., ten shares ;
 Edgar D. Stow, of Hartford City, Mason county, W. Va., ten shares ;
 Major Brown, of Mason county, W. Va., ten shares ;
 H. H. Stow, of Hartford City, Mason county, W. Va., ten shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this sixteenth day of January, one thousand eight hundred and seventy-eight.

G. W. MOREDOCK,
 H. F. DONNALLY,
 D. E. NEWTON,
 MAJOR BROWN,
 A. L. SCHON,
 EDGAR D. STOW,
 H. H. STOW,
 J. R. MECKS.

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, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this twenty-ninth day of January,
 one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

NATIONAL CO-OPERATIVE MINING, MANUFACTURING AND COLONIZATION ASSOCIATION.

I, Sebieski Brady, 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 Co-Operative Mining, Manufacturing and Colonization Association," for the purpose of mining coal, iron, lead and other minerals and manufacturing the same into merchantable products: also for the purpose of buying and leasing timber and mineral lands, with authority to manufacture the mineral and lumber products of such lands, and to sell and dispose of the same as to such corporation shall seem proper; also for the purpose of providing homes and employment for members of this corporation and others, upon such terms as may be agreed upon by the corporation upon the one hand and the parties so provided with homes and employment upon the other; which corporation shall keep its principal office or place of business

at Kanawha Falls, in the county of Fayette, in the state of West Virginia, and is to expire on the first day of January, A. D. one thousand eight hundred and ninety eight.

And for the purpose of forming said corporation we have subscribed the sum of one thousand dollars to the capital stock thereof, and have paid in on said subscription the sum of two hundred and fifty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred thousand dollars in all.

The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

W. F. Willock, of Allegheny county, Pa., four shares;

Philip Feiger, Allegheny county, Pa., four shares;

J. S. Hillerman, Allegheny county, Pa., four shares;

J. D. Smullen, Allegheny county, Pa., four shares;

J. L. Joyce, Allegheny county, Pa., four shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twenty-sixth day of January, A. D. one thousand eight hundred and seventy-eight.

WILLIAM F. WILLOCK,
PHILLIP FEIGER,
JOHN L. JOYCE,
JAS. S. HILLERMAN,
J. D. SMULLEN,

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, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this twenty-ninth day of January,
one thousand eight hundred seventy-eight.

S. BRADY,
Secretary of State.

THE MARION COUNTY FAIR ASSOCIATION.

I, Sobieski Brady, 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 Marion County Fair Association," for the purpose of promoting the agricultural, mechanical and mineral interests of Marion, and the adjoining counties, and encourage the growth and improvement of the stock therein, and for the purpose of acquiring real estate for fair

grounds, buildings, etc.; which corporation shall keep its principal office at Fairmont, in the county of Marion, and is to expire on the first day of January, one thousand eight hundred and ninety-eight, and for the purpose of forming the said corporation we have subscribed the sum of twenty-six hundred dollars to the capital thereof, and have paid in on said subscription the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares from time to time to twenty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows: that is to say:

- J. I. Hartley, of Marion county, five shares;
- T. N. Holland, of Marion county, five shares;
- S. H. Springer, of Marion county, six shares;
- Wm. B. Ice, of Marion county, five shares;
- C. B. Carney, of Marion county, five shares;

Given under our hands this twenty-sixth day of January, one thousand eight hundred and seventy-eight.

J. O. HARTLEY,
I. N. HOLLAND,
S. H. SPRINGER,
WM. B. ICE,
C. B. CARNEY.

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, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this thirty-first day of January, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

KANAWHA FALLS LUMBER COMPANY.

I Sobieski Brady, 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 Falls Lumber Company," for the purpose of erecting saw mills, veneer mill, purchasing, holding and conveying real estate, cutting logs, manufacturing lumber and veneers, doing a general merchandize business in connection herewith, and for performing any and all operations which may be necessary and lawful thereto. Which corporation shall keep its principal office or place of business at Kanawha Falls, Fayette county, West Virginia, and is to commence on the twenty-fourth day of January, A. D., one thousand eight hundred and seventy-eight, and to expire on the first day January, A. D., one

thousand eight hundred and ninety-eight, and for the purpose of forming the said corporation we have subscribed the sum of five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of fifty dollars, and desire the privilege of increasing said capital by sales of additional shares of stock from time to time to one hundred thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, viz :

H. A. Frink, of Baltimore, Md., one share ;
 M. W. Frink, of Baltimore, Md., one share ;
 C. E. Bardwell, of South Hadly Falls, Miss., one share ;
 Joseph R. Stowers, of Kanawha Falls, W. Va., one share ;
 Robert S. Stowers, of Kanawha Falls, W. Va., one share.

And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this eighteenth day of December, one thousand eight hundred and seventy-seven.

H. A. FRINK,
 M. W. FRINK,
 CHAS. E. BARDWELL,
 J. R. STOWERS,
 R. S. STOWERS.

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, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this fourth day of February, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

KANAWHA FALLS AND NEW RIVER BOOM COMPANY.

I, Sobieski Brady, 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 Falls and New River Boom Company," for the purpose of constructing, maintaining and operating one or more booms on the Great Kanawha river and the New river at some point or points between Riggs' Ferry, below the great falls, on the Great Kanawha river, and the narrow falls above the New river basin, in New river, opposite themouth of the Gauley river, in Fayette county, West Virginia, and of stopping and securing logs, timber, lumber, staves and other floatables therein, and of performing upon said rivers and their tributaries any or all of the

functions authorized to boom companies by an act of the legislature of West Virginia, passed during its sessions of one thousand eight hundred and seventy-six and seven, authorizing the formation of corporations for the purpose of constructing booms, &c., and for such other operations, purposes, etc., as may be lawful and accessory to the economical and successful working of the enterprise; which corporation shall have its principal office or place of business at Kanawha Falls, in the county of Fayette, West Virginia, and is to commence on the twenty-fourth day of January A. D. one thousand eight hundred and seventy-eight, and is to expire on the first day of January, A. D. one thousand nine hundred and twenty-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing said capital, by sales of additional shares from time to time, to fifty thousand dollars in all.

The capital stock so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned as follows, viz.:

H. A. Frink, of Baltimore, Md., one share;

M. W. Frink, of Baltimore, Md., one share;

C. E. Bardwell, of South Hadley Falls, Miss., forty-six shares;

Joseph R. Stowers, of Kanawha Falls, Fayette county, W. Va., one share;

R. S. Stowers, of Kanawha Falls, Fayette county, W. Va., one share.

And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventeenth day of December, A. D. one thousand eight hundred and seventy-seven.

H. A. FRINK,
M. W. FRINK,
CHAS. E. BARDWELL,
J. R. STOWERS,
R. S. STOWERS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of January, nineteen hundred and twenty-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state, [G. S.] at the city of Wheeling, this fourth day of February, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

CEDAR GROVE CO-OPERATION COAL COMPANY.

I, Sobieski Brady, 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 "Cedar Grove Co-operation Coal Company," for the purpose of mining, shipping and vending coal either upon premises held by said company by lease upon rent or royalty, or held otherwise, of carrying on merchandise business in connection with their coal business; and of carrying on any business which is properly connected with or appertaining in the business of mining, shipping and vending coal; which corporation shall keep its principal office or place of business at Cedar Grove, in the county of Kanawha, West Virginia, and is to expire on the first day of February, in the year one thousand eight hundred and ninety-eight.

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 twenty-five thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say:

H. P. Tompkins, of Cedar Grove, Kanawha county, W. Va., one share;

J. G. W. Tompkins, of Cedar Grove, Kanawha county, W. Va., one share;

John Bannister, of Hampton City, Kanawha county, W. Va., one share,

William J. Caldwell, of Cedar Grove, Kanawha county, W. Va., one share;

B. F. Spruce, of Hampton City, Kanawha county, 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 February, in the year one thousand eight hundred and seventy-eight.

H. P. TOMPKINS,
JOHN BANNISTER,
J. G. W. TOMPKINS,
WM. W. CALDWELL,
B. F. SPRUCE,

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 February, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this eight day of February, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

KANAWHA PACKET COMPANY.

I, Sobieski Brady, 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 Packet Company," for the purpose of building, buying or hiring, running and using steamboats, barges, flatboats and other water crafts, on the Kanawha and Ohio rivers and tributaries, for carrying freight and passengers, for towing and other legitimate uses, with the right to buy and sell barrels, salt, coal, lumber, farm products and other supplies, and to do whatever else may be necessary or advantageous in carrying out the general scheme; which corporation shall have its principal office or place of business at Charleston, Kanawha county, West Virginia, and is to expire on the seventh of February, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing said capital, by sales of additional shares from time to time, to fifty thousand dollars in all.

The capital so subscribed shall be 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, one share;
 Charles Ward, one share;
 William T. Thayer, one share;
 Noyes Rand, one share;
 Job E. Thayer, one share.

All of the city of Charleston, county of Kanawha, and state of West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this seventh day of February, A. D. one thousand eight hundred and seventy-eight.

JOHN P. HALE,
 CHARLES WARD,
 NOYES RAND,
 W. T. THAYER,
 J. E. THAYER.

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 seventh day of February, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this eleventh day of February, one thousand, eight hundred and seventy-eight.

S. BRADY,
 Secretary of State.

COLUMBIA BUILDING ASSOCIATION.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavit, 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 "Columbia Building Association," for the purpose of raising money to be loaned among the members of such corporation, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place of business in Wheeling, in the county of Ohio, and is to expire on the first day of March, one thousand eight hundred and eighty-eight.

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 two hundred thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

J. B. Lukens, one share;
 Jas. H. Ferguson, one share;
 Thomas Prince, one share;
 J. F. Snowden, one share;
 Jas. Lawson, one share;
 All of the city of Wheeling, W. Va.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands this ninth day of February, one thousand eight hundred and seventy-eight.

J. B. LUKENS,
 JAS. H. FERGUSON,
 THOMAS PRINCE,
 JAS. F. SNOWDEN,
 JOS. LAWSON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, one thousand eight hundred and eighty-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this thirteenth day of February, one thousand eight hundred and seventy-eight.

S. BRADY,
 Secretary of State.

 THE WHEELING SHAKESPEARE CLUB.

I, Sobieski Brady, 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 Wheeling Shakespeare Club," for the purpose of literary culture and to acquire, hold, manage and dispose of such property as it may deem necessary for its purpose, which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the first day of January, A. D. one thousand nine hundred.

And for the purpose of forming such corporation, we have subscribed the sum of one hundred and ten dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and ten dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all.

The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned respectively as follows, that is to say: by

M. A. Chandler, Wheeling, W. Va., one share;
 A. J. Clarke, Wheeling, W. Va., one share;
 F. D. Culbertson, Wheeling, W. Va., one share;
 James Dalzell, Wheeling, W. Va., one share;
 R. C. Dalzell, Wheeling, W. Va., one share;
 B. Davenport, Wheeling, W. Va., one share;
 J. D. DuBois, Wheeling, W. Va., one share;
 F. J. Hearne, Wheeling, W. Va., one share;
 F. L. Hogg, Wheeling, W. Va., one share;
 W. P. Hubbard, Wheeling, W. Va., one share;
 D. L. Hubbard, Wheeling, W. Va., one share;
 M. F. Hullihen, Wheeling, W. Va., one share;
 Wm. Leighton, Jr., Wheeling, W. Va., one share;
 C. Y. Lucas, Wheeling, W. Va., one share;
 O. S. Long, Wheeling, W. Va., one share;
 H. M. Mathews, Wheeling, W. Va., one share;
 R. A. McCabe, Wheeling, W. Va., one share;
 T. Melvin, Wheeling, W. Va., one share;
 W. F. Peterson, Wheeling, W. Va., one share;
 H. M. Russell, Wheeling, W. Va., one share;
 R. Savage, Wheeling, W. Va., one share;
 J. L. Wilde, Wheeling, 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 December, one thousand eight hundred and seventy-seven.

WILLIAM LEIGHTON, JR.,
 BENJAMIN DAVENPORT,
 RICH'D SAVAGE,
 JNO. D. CULBERTSON,
 HENRY M. MATHEWS,
 ROBERT C. DALZELL,
 JOS. L. WILDE,
 M. F. HULLIHEN,
 FRANK J. HEARNE,
 W. F. PETERSON,
 C. Y. LUCAS,

DANA L. HUBBARD,
 R. A. MCCABE,
 J. D. DUBOIS,
 THAYER MELVIN,
 O. S. LONG,
 WM. P. HUBBARD,
 HENRY M. RUSSELL,
 JAMES DALZELL,
 A. J. CLARKE,
 M. A. CHANDLER,
 F. L. HOGG.

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, one thousand nine hundred, 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, [G. S.] at the city of Wheeling, this fifth day of March, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

LAUGHLIN NAIL COMPANY.

I, Sobieski Brady, 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 "Laughlin Nail Company," for the purpose of smelting iron ore and manufacturing pig-iron and converting the same into nails, within the states of West Virginia and Ohio, for the purpose of buying and selling, there and elsewhere, iron and its products, and dealing in merchandise and materials necessary to the operating of a rolling and nail mill and a blast furnace, and for the mining of coal and other minerals; which corporation shall keep its principal office or place of business at the city of Wheeling, in the county of Ohio, and state of West Virginia; and is to expire on the eleventh day of March, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of forty thousand dollars to the capital thereof, and have paid in on said subscription the sum of six thousand dollars, and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to two hundred and fifty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Alexander Laughlin, of Wheeling, W. Va., one hundred shares;
Samuel Laughlin, of Wheeling, W. Va., one hundred shares;
Alonzo Loring, of Wheeling, W. Va., one hundred shares;
Mason W. Burt, of Wheeling, W. Va., fifty shares;
David Gutman, of Wheeling, W. Va., fifty shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eleventh day of March, in the year of our Lord one thousand eight hundred and seventy-eight.

ALEX. LAUGHLIN,
SAMUEL LAUGHLIN,
ALONZO LORING,
MASON W. BURT,
DAVID GUTMAN.

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 eleventh day of March, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this twelfth day of March, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

S. P. WELLS OIL COMPANY.

I, Sobieski Brady, 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 "S. P. Wells Oil Company," for the purpose of refining and manufacturing petroleum and its products, buying and selling petroleum and its products, and all other articles connected with the manufacturing of petroleum and its products, which corporation shall keep its principal office or place of business at the city of Parkersburg, in Wood county, and is to expire on the first day of March, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation we have subscribed the sum of fifty thousand (50,000) dollars to the capital thereof, and have paid in on said subscription the sum of five thousand (\$5,000) dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to sixty thousand (\$60,000) dollars in all.

The capital so subscribed is divided into shares of fifty (\$50) dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Johnson N. Camden, trustee, Parkersburg, W. Va., seven hundred and ninety shares;

William N. Chancellor, Parkersburg, W. Va., five shares;

Lucius A. Cole, Parkersburg, W. Va., five shares;

Charles W. Wells, Parkersburg, W. Va., ten shares;

Solomon P. Wells, Parkersburg, W. Va., one hundred and ninety shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this nineteenth day of March, one thousand eight hundred and seventy-eight.

JOHNSON N. CAMDEN,
Trustee.
W. N. CHANCELLOR,
LUCIUS A. COLE,
S. P. WELLS,
C. W. WELLS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this twentieth day of March, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

FARMERS CO-OPERATIVE UNION.

I, Sobieski Brady, 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 "Farmers Co-operative Union," for the purpose of mutual benefit to themselves and of providing a fund for the benefit of the widows and children and other relatives of deceased members; and for other charitable purposes, and also for the purpose of encouraging and promoting agricultural and industrial pursuits; which corporation shall keep its principal office or place of business at St. Albans, in the county of Kanawha, and is to be perpetual.

And for the purpose of forming said corporation, we have subscribed the sum of twenty-four dollars to the capital thereof, and have paid in on the said subscription the sum of twenty-four dollars and desire the privilege of increasing the 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 three dollars each, which shares are held by the undersigned, respectively, as follows, that is to say: by

George W. Anderson, Kanawha county, W. Va., one share;
James T. Hill, Kanawha county, W. Va., one share;
Leftridge W. King, Kanawha county, W. Va., one share;
Anderson Adkins, Kanawha county, W. Va., one share;
Charles A. Smith, Kanawha county, W. Va., one share;
John Clemmens, Kanawha county, W. Va., one share;
William H. Jones, Kanawha county, W. Va., one share;
Meredith Bowman, Kanawha county, W. Va., one share;

And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands, this twenty-second day of March, one thousand eight hundred and seventy-eight.

GEORGE W. ANDERSON,
JAMES T. HILL,
LEFRIDGE W. KING,
CHARLES A. SMITH,
ANDERSON ADKINS,
JOHN CLEMMENS,
WILLIAM H. JONES,
MEREDITH BOWMAN.

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.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this twenty-sixth day of March, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

MORGANTOWN BUILDING ASSOCIATION.

I, Sobieski Brady, 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 "Morgantown Building Association," for the purpose of raising money to be used among the members of such corporation in buying lots or houses, or in building or repairing houses, which corporation shall keep its principal office or place of business at the town of Morgantown, Monongalia county, state of West Virginia, and is to expire on the first day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of seven hundred dollars to the capital thereof, and have paid in on said subscription the sum of seventy 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: by

W. C. McGrew, one share ;
E. Shisler, one share ;
M. L. Casselberry, one share ;
Geo. C. Sturgess, one share ,
J. C. Wagner, one share ;
J. M. Hagans, one share ;
Henry M. Morgan, one share.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this thirtieth day of March, one thousand eight hundred and seventy-eight.

W. C. MCGREW,
E. SHISLER,
M. L. CASSELBERRY,
GEO. C. STURGESS,
J. C. WAGNER,
J. M. HAGANS,
H. M. MORGAN.

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, one thousand eight hundred and ninety eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state,
[G. S.] at the city of Wheeling, this second day of April, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

BREAMVILLE SALT COMPANY.

I, Sobieski Brady, 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 "Breamville Salt Company," for the purpose of manufacturing, buying, selling and shipping salt; of mining, selling, and shipping coal and other minerals; of manufacturing from all kinds of mineral substances, their refined or combined products, either mechanically, chemically, or in any and every proper manner for such purposes; of owning, chartering and operating steam boats, barges, flatboats and other watercraft, for transporting and towing freight and passengers; of dealing in and manufacturing lumber and timber of all kinds, and using the same for all manner of construction purposes; and of dealing in all kinds of merchandize, groceries, produce and other articles; which corporation shall keep its principal office or place of business at Daniel Boone Furnace, Kanawha county, West Virginia, and is to expire on the tenth day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of twenty-five hundred dollars to the capital thereof, and have paid in on said subscription the sum of twelve hundred and fifty dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

William C. Brooks, of Kanawha county, W. Va., forty-nine shares;
Walter B. Crooks, of Kanawha county, W. Va., forty-eight shares;
John M. Collins, of Kanawha county, W. Va., one share;
Charles H. Small, of Charleston, W. Va., one share;
Alethea B. Small, of 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 tenth day of April, one thousand eight hundred and seventy-eight.

WM. C. BROOKS,
WALTER B. BROOKS,
JOHN M. COLLINS,
CHAS. H. SMALL,
ALETHEA B. SMALL,

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 April, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this thirteenth day of April, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE NAIL CITY BUILDING AND LOAN ASSOCIATION.

I, Sobieski Brady, 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 Nail City Building and Loan Association," for the purpose of raising money to be used among the members of such corporation in buying lots or houses, or in building or repairing houses, or to loan to a member that he may build, or buy, or use the money in trade or business, at his pleasure; which corporation shall keep its principal office or place of business at Wheeling, in the county of Ohio, and is to expire on the twenty-sixth day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation we have subscribed the sum of two thousand one hundred dollars (\$2,100) to the capital thereof, and have paid in on said subscription the sum of two hundred and ten dollars (\$210), and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to one million dollars (\$1,000,000) in all.

The capital so subscribed to be divided into shares of one hundred and fifty dollars (\$150) each, which are held by the undersigned, respectively, as follows, that is to say: by

John Bayha, of Wheeling, W. Va., one share;
James R. Acker, of Wheeling, W. Va., one share;
Chas. H. King, of Wheeling, W. Va., one share;
Carl J. Mayer, of Wheeling, W. Va., one share;
William L. Fooso, of Wheeling, W. Va., one share;
John W. Boring, of Wheeling, W. Va., one share;
James A. Dunning, of Wheeling, W. Va., one share;

Charles R. Deiters, of Wheeling, W. Va., one share;
 Wm. P. Bachman, of Wheeling, W. Va., one share;
 G. W. Kennedy, of Wheeling, W. Va., one share;
 Charles Loeffler, of Wheeling, W. Va., one share;
 A. H. Britt, of Wheeling, W. Va., one share;
 O. J. Crawford, of Wheeling, W. Va., one share;
 Robert H. Phillips, of Wheeling, 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 and seals, this twenty-sixth day of April, one thousand eight hundred and seventy-eight.

. JOHN BAYHA,
 CHAS. H. KING,
 J. R. ACKER,
 CARL J. MAYER,
 W. S. FOOSE,
 J. W. BORING,
 J. A. DUNNING,
 CHAS. H. DEITERS,
 W. P. BACHMAN,
 G. W. KENNEDY,
 CHAS. LOEFFLER,
 A. H. BRITT,
 O. J. CRAWFORD,
 R. H. PHILLIPS.

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 April, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state.
 [G. S.] at the city of Wheeling, this thirtieth day of April, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

WHEELING LAMP AND LANTERN COMPANY.

I, Sobieski Brady, 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 Lamp and Lantern Company," for the purpose of manufacturing lamps and lanterns, globes and chimneys for lamps, lanterns, and all manner of illuminating devices, and all kinds and forms of glassware used or employed in any way for illuminating purposes and for the purpose of selling said manufactured articles, whether manufactured by said company in whole or in part, or by others; which corporation shall keep its principal office or place of business at the city

of Wheeling, in the county of Ohio, and is to expire on the ninth day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation we have subscribed the sum of two thousand dollars to the capital thereof, and have paid in on said subscription the sum of two hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty five thousand dollars in all.

The capital so subscribed is divided into shares of ten (10) dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Joseph F. Paull, of Wheeling, W. Va., eighty-nine shares;

Alfred Paull, of Wheeling, W. Va., fifty shares;

Archibald W. Paull, of Wheeling, W. Va., fifty shares;

Thomas Walton, of Wheeling, W. Va., ten shares;

George W. Woods, of Wheeling, 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 ninth day of April, one thousand eight hundred and seventy-eight.

J. F. PAULL,
ALFRED PAULL,
A. W. PAULL,
THOMAS WALTON,
GEO. W. WOODS.

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 ninth day of April, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this nineteenth day of April, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE WEST VIRGINIA FIRE BRICK COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation, by the name of "The West Virginia Fire Brick Company," for the purpose of mining, manufacturing and buying and selling fire clay and its products; which corporation shall keep its principal office or place of business at Now Cumberland, in the county of Hancock, and is to expire on the eleventh day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of three thousand and four hundred and fifteen dollars; and desire the privilege of increasing the said capital by the sale of additional shares, from time to time, to twenty-five thousand dollars in all.

The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Cunningham, Graham & Co., New Cumberland, W. Va., twenty-nine shares;

J. & A. Manypenny, New Cumberland, W. Va., fifty-two shares;

Smith, Porter & Co., New Cumberland, W. Va., one hundred and forty-six shares;

Porter & Smith, New Cumberland, W. Va., fifty shares;

Freeman & Co., Truman's Landing, W. Va., thirty-eight shares;

T. Anderson & Sons, Freeman's Landing, W. Va., forty-five shares.

John Porter & Co., New Cumberland, W. Va., sixty-eight shares;

G. W. Stewart, New Cumberland, W. Va., twenty-five shares;

John Francy, Sloan's Station, Ohio, forty-eight shares;

Porter, Minor & Co., McCoy's Station, Ohio, forty-eight shares;

Freeman Bros. & Co., McCoy's Station, Ohio, thirty-six shares;

Porter, Anderson & Co., New Cumberland, W. Va., thirty shares;

W. B. Freeman, Sloan's Station, Ohio, thirty-nine shares;

Thos. Manypenny, New Cumberland, W. Va., nineteen shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eleventh day of April, one thousand eight hundred and seventy-eight.

CUNNINGHAM, GRAHAM & Co.
 J. & A. MANYPENNY,
 SMITH, PORTER & Co.,
 PORTER & SMITH,
 FREEMAN & Co.,
 THOMAS ANDERSON & SONS,
 JOHN PORTER & Co.,
 G. W. STEWART,
 JOHN FRANCY,
 PORTER, MINOR & Co.,
 FREEMAN BROS. & Co.,
 PORTER, ANDERSON & Co.,
 W. B. FREEMAN,
 his
 THOS. ✓ MANYPENNY,
 mark

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 eleventh day of April, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state, at [G. S.] the city of Wheeling, this twenty-third day of April, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

OLIVE AND WADESVILLE CO-OPERATIVE ASSOCIATION
NO. 185 OF THE ORDER OF PATRONS OF HUSBANDRY
IN THE STATE OF WEST VIRGINIA.

I, Sobieski Brady, 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 "Olive and Wadesville Co-operative Association No. 185 of the Order of Patrons of Husbandry in the State of West Virginia," for the purpose of establishing and maintaining general trade and business in merchandize, farm products and machinery, which corporation shall keep its principal office or place of business at Wadesville, in the county of Wood and state of West Virginia, and is to expire on the first day of April, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of six hundred and thirty dollars to the capital stock thereof, and paid in on said subscription the sum of six hundred and thirty dollars, and desire the privilege of increasing the capital stock by sales of additional shares, from time to time, to ten thousand dollars.

The capital so subscribed is divided into shares of ten dollars each, which are held by the undersigned, respectively, as follows: by

Ralph Black, fourteen shares, one hundred and forty dollars;

Millard S. Black, twenty shares, two hundred dollars;

Martin Deem, ten shares, one hundred and thirty dollars;

T. Milton Wigal, seven shares, seventy dollars;

Levi Marlow, five shares, fifty dollars;

S. L. Guinn, four shares, forty dollars.

All residents of the county of Wood.

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, one thousand eight hundred and seventy-eight.

RALPH BLACK,
MILLARD S. BLACK,
MARTIN DEEM,
T. M. WIGAL,
LEVI MARLOW,
S. L. GUINN.

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, one thousand eight hundred and ninety-eight, a corporation by the same and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this thirtieth day of May, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

PRODUCERS' PIPE LINE COMPANY.

I, Sobieski Brady, 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 Producers' Pipe Line Company," for the purpose of transporting carbon oil by pipe laying in the counties of Wood, Wirt, Ritchie and Pleasants, in the state of West Virginia, for all persons who shall deliver to said corporation such oil in quantities not less than fifty barrels of forty gallons, and at the following rates, to-wit: for each barrel of forty gallons, there will be charged not exceeding twenty cents for a distance of five miles, or less, and for any distance greater than five miles, there will be charged a rate not exceeding four cents per mile for such barrel. For the purposes aforesaid, the said corporation shall lay and construct a line or lines of pipe or tubing, from Petroleum Station in said Ritchie county on the Parkersburg Branch railroad, along and through what is known as the "Oil Belt or oil District," to Vancluse on the Ohio river, near the mouth of French creek, in said Pleasants county; said corporation shall also lay and construct such line or lines from a point on the line or lines aforesaid near Volcano, in said Wood county, southwardly to a point on the Hughes' river, near the California House, in Wirt county; and from a point on the line or lines last described near the mouth of the Laurel Fork of Goose creek, said corporation shall lay out and construct such line or lines along Goose creek to Petroleum Station; from the said lines branch lines will be laid connecting with the main line or lines aforesaid on either side thereof and extending to oil wells and points of oil storage in the said oil district or belt, and to any navigable stream or streams in or adjoining the counties aforesaid and whenever in the opinion of the board of directors of said corporation, it may be deemed advisable or expedient, said main line or lines shall be extended and laid out and constructed as aforesaid, from a point at or near said Volcano to the city of Parkersburg in said Wood county, by whatever route, course or plans said board in its discretion may judge best and proper, which corporation shall keep its principal office or place of business at Briar Knob in the county of Wood aforesaid, and is to expire on the eighth day of May, one thousand eight hundred and ninety-eight.

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 two hundred thousand dollars in all.

The capital so subscribed is divided into shares of fifty dollars each which are held by the undersigned, respectively, as follows, that is to say:

James F. Partridge, residing in Ritchie county, W. Va., three hundred (300) shares;

William H. Wolfe, residing at Parkersburg, W. Va., two (2) shares;

David McGregor, residing in Ritchie county, W. Va., nineteen (19) shares ;

Sander Gidley, residing in Ritchie county, W. Va., nineteen (19) shares ;

Jonathan Garber, residing at Volcano, Wood county, W. Va., nineteen (19) shares ;

George McFarland, residing at Parkersburg, W. Va., nineteen (19) shares ;

John F. Vinal, residing in Wood county, W. Va., twenty-two (22) shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eighth day of May, A. D. one thousand eight hundred and seventy-eight.

JAS. F. PARTRIDGE,
WILLIAM H. WOLFE,
D. MCGREGOR,
S. GIDLEY,
J. GARBER,
G. MCFARLAND,
JOHN F. VINAL.

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 eighth day of May, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this thirteenth day of May, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE HOME COMPANY.

I, Sobieski Brady, 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 Home Company," for the purpose of manufacturing beer, buying and selling at wholesale and retail spirituous liquors, wine, porter, ale, beer, &c., and tobacco and cigars, &c., which corporation shall keep its principal office or place of business at Point Pleasant, in the county of Mason, and is to expire on the first day of June, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscriptions the sum of one hundred dollars,

and desire the privilege of increasing the said capital, by sales of additional shares from time to time, to twenty-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: by

C. T. Latham, eight shares ;
 John R. Selbe, fifteen shares ;
 J. Jewett, eight shares ;
 R. Young, eight shares ;
 Fred. Niemann, one share.

All of the county of Mason, in the state of West Virginia, except Fred. Niemann, who resides in Cincinnati, Ohio.

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 June, one thousand eight hundred and seventy-eight.

FRED. NIEMANN,
 J. R. SELBE,
 C. T. LATHAM,
 R. YOUNG,
 J. JEWETT.

Wherefore, the corporators name 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 June, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G, S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this tenth day of June, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE LEWISBURG TOWN HALL ASSOCIATION.

I, Sobieski Brady, 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 Lewisburg Town Hall Association," for the purpose of having public lectures (literary and otherwise), exhibitions of every kind, public meetings (political and otherwise), for the diffusion of knowledge, theatrical performances, musical soirees and other entertainments (literary and scientific); 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 twentieth day of June, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of three hundred and forty dollars to the capital

thereof, and have paid in on said subscription the sum of thirty-four 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 ten dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

R. F. Dennis, five shares ;
 A. C. Snyder, five shares ;
 O. P. Sydenstricker, five shares ;
 J. W. A. Ford, five shares ;
 J. Alex. Montgomery, five shares ;
 J. E. Bell, three shares ;
 John A. Preston, three shares ;
 Jonathan Mays, three shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this twentieth day of June, one thousand eight hundred and seventy-eight.

R. F. DENNIS,
 A. C. SNYDER,
 O. P. SYDENSTRICKER,
 J. W. A. FORD,
 J. ALEX. MONTGOMERY,
 J. E. BELL,
 JOHN A. PRESTON,
 JONATHAN MAYS.

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 twentieth day of June, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state, [G. S.] at the city of Wheeling, this twenty-fifth day of June, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

WEBSTER WAGON COMPANY.

I, Sobieski Brady, 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 "Webster Wagon Company," for the purpose of manufacturing and selling wagons, sleighs, carts, trucks, carriages and wheelbarrows, which corporation shall keep its principal office or place of business at Moundsville, in the county of Marshall, in the state of West Virginia, and is to expire on the twenty-fourth day of June, A. D. one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation we have sub-

scribed the sum of twenty-five thousand dollars to the capital thereof, and have paid in on said subscription the sum of twenty-five hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by

Benjamin S. Brown, Columbus, O., seventy-five shares, amounting to seven thousand five hundred dollars.

Edward A. Webster, Jackson, Mich., sixty-five shares, amounting to six thousand five hundred dollars.

W. H. Withington, Jackson, Mich., twenty-five shares, amounting to two thousand five hundred dollars.

Wm. H. Webster, Jackson, Mich., twenty-five shares, amounting to two thousand five hundred dollars.

Fannie A. Webster, Jackson, Mich., twenty-five shares, amounting to two thousand five hundred dollars.

Stephen S. Cobb, Kalamazoo, Mich., twenty-five shares, amounting to two thousand five hundred dollars.

John D. Conely, Jackson, Mich., ten shares, amounting to one thousand dollars.

Total, two hundred and fifty shares, amounting to twenty-five thousand dollars.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-fifth day of June, A. D. one thousand eight hundred and seventy-eight.

BENJAMIN S. BROWN,
EDWARD A. WEBSTER,
WM. H. WEBSTER,
WM. H. WITHINGTON,
FANNIE A. WEBSTER,
STEPHEN S. COBB,
JOHN D. CONELY.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-fourth day of June, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand, and the great seal of the said state, at the city of Wheeling, this twenty-ninth day of June, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

MARINE DOCK COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the

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 "Marine Dock Company," for the purpose of manufacturing lumber, building steamboats, steamships, flatboats, barges and other vessels, repairing all kinds of vessels, and doing all other business usually transacted in the boat building and dock yard business, which corporation shall keep its principal office and place of business in the county of Mason, and is to expire on the first day of June, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of sixty-five hundred dollars to the capital thereof, and have paid in on said subscription, the sum of seven hundred dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to twenty-five thousand dollars in all.

The capital so subscribed is to be divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by

John L. Charles, ten shares;
 Henry Fry, ten shares;
 T. Stribling, five shares;
 John McCulloch, Jr., five shares;
 John G. Stortz, five shares;
 Wm. B. Cable, five shares;
 Benj. Franklin, five shares;
 D. W. Poesley, ten shares;
 Baptiste Gilmore, five shares;
 J. J. Bright, five shares.

All of Marion county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifteenth day of June, one thousand eight hundred and seventy-eight.

JOHN McCULLOCH, JR.,
 JOHN S. CHARLES,
 B. FRANKLIN,
 W. B. CABLE,
 T. STRIBLING,
 H. FRY,
 JOHN G. STORTZ,
 D. W. POESLEY,
 BAPTISTE GILMORE,
 J. J. BRIGHT.

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 June, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state,
 [G. S.] at the city of Wheeling, this first day of July, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

STAR PLANING MILL.

I, Sobieski Brady, 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 "Star Planing Mill Company," for the purpose of manufacturing and dealing in every description of dry and green lumber, to buy or manufacture doors, window sash, furniture, scroll and fancy woodwork; and contracting and constructing buildings, &c. &c., which corporation shall keep its principal office or place of business at Mannington, in the county of Marion, and state of West Virginia, and is to expire on the third day of June, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of two thousand five hundred dollars to the capital thereof, and have paid in on said subscription the sum of ten per cent of said capital stock; and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to twenty-five thousand dollars in all.

The capital so subscribed is divided into shares of ninety dollars each, which are held by the undersigned respectively as follows, that is to say: by

Amos N. Prichard, of Mannington, W. Va., four shares;
 Albert W. Knotts, of Mannington, W. Va., four shares;
 Oliver N. Koon, of Mannington, W. Va., four shares;
 Alphens Prichard, of Mannington, W. Va., four shares;
 Nimrod Morgan, near Mannington, W. Va., four shares;
 Joseph Hough, near Mannington, W. Va., four shares;
 James Hawks, Jr., near Mannington, W. Va., four shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this third day of June, one thousand eight hundred and seventy-eight.

A. N. PRICHARD,
 A. W. KNOTTS,
 O. N. KOON,
 A. PRICHARD,
 NIMROD WAGNER,
 JOSEPH HOUGH,
 JAMES HAWKS, 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 third day of June, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state,
 [G. S.] at the city of Wheeling, this seventeenth day of July, one thousand eight hundred and seventy-eight.

S. BRADY,
 Secretary of State.

PITTSBURGH COAL AND DOCK COMPANY.

I, Sobieski Brady, 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 an figures following:

The undersigned agree to become a corporation by the name of the "Pittsburgh Coal and Dock Company," for the purpose of buying and leasing land for coal purposes, mining and shipping, building and laying switches and sidings, and connecting the same with lines of railroad, erecting docks, screens, tipples, &c., for loading of coal into boats and barges in the Ohio river, erecting buildings and fixtures for miners and employes (laying out town lots and selling the same, not exceeding six hundred and forty acres), and for such other purposes as may be necessary to fully carry into effect the main purposes for which this corporation is being formed, viz: the mining and shipping of coal by railroad and river, and selling coal and making and selling coke; which corporation shall keep its principal office or place of business in the county of Brooke, state of West Virginia, at Wheeling Junction, and is to expire on the nineteenth day of July, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of five hundred dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars, and desire the privilege of increasing 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:

Thomas Fawcett, of Pittsburgh, Pa., one share;
 Samuel S. Brown, of Pittsburgh, Pa., one share;
 Henry B. Hays, of Allegheny county, Pa., one share;
 Richard C. Gray, of Allegheny county, Pa., one share;
 Peter Y. Hite, of Allegheny county, Pa., one share.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this nineteenth day of July, A.D. one thousand eight hundred and seventy-eight.

THOMAS FAWCETT,
 SAMUEL S. BROWN,
 HENRY B. HAYS,
 R. C. GRAY,
 P. Y. HITE.

Witness: W. F. Robb.

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 nineteenth day of July, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling this twenty-second day of July, one thousand eight hundred and seventy-eight.

S. BRADY,
 Secretary of State.

LEATHEROID MANUFACTURING COMPANY.

I, Sobieski Brady, 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 'Leatheroid Manufacturing Company,' for the purpose of manufacturing and vending leatheroid and paper; which corporation shall keep its principal office or place of business at Fulton, in the county of Ohio, and is to expire on the eighteenth day of July, A. D., one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation we have subscribed the sum of twenty-two thousand (\$22,000) dollars to the capital thereof and have paid in on said subscription the sum of twenty thousand two hundred (\$20,200) dollars, and desire to have the privilege of increasing said capital by sales of additional shares of stock 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

Thompson Hanna, of Wheeling, W. Va., one hundred and forty-nine shares;

Chas. E. Dwight, of Wheeling, W. Va., twenty-shares;

Thomas Hanna, of Wheeling, W. Va., twenty-five shares;

Daniel Clemmans, of Wheeling, W. Va., twenty-five shares;

Daniel W. Hanna, of Wheeling, 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, twenty-second day of July, one thousand eight hundred and seventy-eight.

CHAS. E. DWIGHT,
THOMPSON HANNA,
DANIEL W. HANNA,
THOMAS HANNA,
DANIEL CLEMMANS.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the eighteenth day of July, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
[G. S.] at the city of Wheeling, this twenty-second day of July, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

NORTH WHEELING GLASS COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the prop-

er 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 "North Wheeling Glass Company," for the purpose of the manufacture and sale of glassware, which corporation shall keep its principal office or place of business in the city of Wheeling, in the county of Ohio, and is to expire on the twenty-seventh day of July, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of thirty-two hundred and ten dollars to the capital thereof, and have paid in on said subscription the sum of three hundred and twenty-one dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to fifty thousand dollars in all.

The capital so subscribed is divided into shares of one hundred dollars each, which are held by the undersigned respectively as follows, that is to say: by

F. J. Park, of Martin's Ferry, Ohio, twenty shares;

Jas. H. Sweeney, of Wheeling, W. Va., one and fifteen one-hundredth shares;

Joseph H. Fox, of Wheeling, W. Va., four and sixty-five one-hundredth shares;

Wm. T. Otto, of Wheeling, W. Va., four and sixty-five one-hundredth shares;

H. Fredrick, of Wheeling, W. Va., one and sixty-five one-hundredth shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-seventh day of July, one thousand eight hundred and seventy-eight.

H. FREDRICK,
JAMES H. SWEENEY,
J. H. FOX,
WM. T. OTTO,
F. J. PARK.

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-seventh day of July, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, at [G. S.] the city of Wheeling, this seventeenth day of August, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE COAL RIVER CANNEL COAL COMPANY OF WEST VIRGINIA.

I, Sobieski Brady, 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 Coal River Cannel Coal Company of West Virginia," for the purpose of mining and shipping to market cannel, splint and bituminous coals; of cutting, preparing and shipping lumber and timber; of manufacturing and shipping salt, iron, coal oil; of leasing part or portion of its lands to be mined or worked on royalty, and of selling and dealing in any and all the mineral and vegetable products of their lands, which corporation shall have its principal office or place of business in the city of Philadelphia, in the state of Pennsylvania, and a branch office at Petona, in the county of Boone, state of West Virginia, where its mining and manufacturing operations are to be conducted; and it is to expire on the first day of August, A. D. one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on our subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to five hundred thousand dollars in all.

The capital so subscribed is divided into shares of five dollars each, which are held by the undersigned, respectively, as follows, that is to say:

George W. Day, residing 4224 Kingsessing avenue, in the city of Philadelphia, forty (40) shares;

J. Howard Mitchell, residing No. 1405 North Seventeenth street, in the city of Philadelphia, forty (40) shares;

Benjamin Ashburner, residing No. 4224 Kingsessing avenue, in the city of Philadelphia, forty (40) shares;

Wm. F. Johnson, residing No. 1210 Master street, in the city of Philadelphia, forty (40) shares;

L. Ney Brognard, residing at Forty-fourth and Spruce streets, in the city of Philadelphia, forty (40) shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twentieth day of August, A. D. one thousand eight hundred and seventy-eight.

GEO. W. DAY,
J. HOWARD MITCHELL,
BENJ. ASHBURNER,
L. N. BROGNARD,
WM. F. JOHNSON.

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 August, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[L. S.] Given under my band and the great seal of the said state, at the city of Wheeling, this twenty-second day of August, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

NEW RIVER STEAMBOAT COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the "New River Steamboat Company," for the purpose of building, owning and operating steamboats and barges on the waters of New river and its tributaries, and for sluicing and improving the navigation of the same, and for carrying on a general business in trade along said New river upon our boats and in connection therewith; said corporation shall keep its principal office or place of business at Hinton, in the county of Summers, and is to expire on the first day of September, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation we have subscribed the sum of one thousand five hundred dollars, and have paid in on said subscription the sum of one thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to 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

M. V. Calloway, Hinton, W. Va., one share;
John M. Robertson, Richmond, Va., one share;
J. P. Mills, Hinton, W. Va., one share;
W. H. Thompson, Hinton, W. Va., one share;
M. A. Riffe, Hinton, W. Va., one share;
Wm. James & Sons, Hinton, W. Va., one share;
J. H. Gunther, Hinton, W. Va., two shares;
G. F. Thomasson, Gordonsville, Va., one share;
J. E. Mallory, Huntington, W. Va., one share;
H. M. Lowry, Hinton, W. Va., one share;
James Prince, Hinton, W. Va., one share;
Burke Prince, Hinton, W. Va., one share;
R. R. Flannagan, Hinton, W. Va., one share;
Elbert Fowler, Hinton, 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 twenty-fourth day of August, one thousand eight hundred and seventy-eight.

M. V. CALLOWAY,
 J. M. ROBERTSON,
 M. A. RIFFE,
 W. H. THOMPSON,
 JAMES PRINCE,
 BURKE PRINCE,
 J. H. GUNTHER,
 G. F. THOMASSON,
 J. E. MALLORY,
 N. M. LOWRY,
 R. R. FLANNAGAN,
 ELBERT FOWLER,
 JOHN P. MILLS,
 WM. JAMES & SONS.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of September, eighteen hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand, and the great seal of the said state, [G. S.] at the city of Wheeling, this second day of September, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE ECONOMY MANUFACTURING COMPANY.

I, Sobieski Brady, 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 accordance with the laws of the state of West Virginia, code of one thousand eight hundred and sixty eight, chapter fifty-four) by the name of "The Economy Manufacturing Company," for the purpose of introducing, using, manufacturing and vending the invention, machines, and apparatus heretofore known as the "Centennial Gas Regulator," as described in Seller's patent of the United States, numbered one hundred and seventy-five thousand five hundred and twenty-six (175,526) and granted to Martin Toulmin, of Washington, District of Columbia, under date of March twenty-eighth, one thousand eight hundred and seventy-six, and generally for introducing, using, manufacturing and vending other machines, and articles of utility and commerce, which corporation shall keep its principal office or place of business in the city of Washington, county of Washington, in the District of Columbia, and is to expire on the first day of August, one thousand eight hundred and ninety-eight. (August 1, 1898.)

And for the purpose of forming the said corporation, we have

subscribed the sum of five hundred dollars (\$500) to the capital stock thereof, and have paid in on said subscription the sum of five hundred dollars, (\$500) and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred (\$200,000) thousand 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

Edward Jordan, of Elizabeth, N. J., one share;
 John D. Defrees, of Berkeley Springs, W. Va., one share;
 John H. Rice, of Washington, D. C., one share,
 Aaron F. Randall, of Washington, D. C., one share;
 Morton Toulmin, of Washington, D. C., one share.

Given under our hands, this thirtieth day of August, A. D. one thousand eight hundred and seventy-eight.

EDWARD JORDAN,
 JOHN D. DEFREES,
 AARON F. RANDALL,
 JOHN H. RICE,
 MORTON TOULMIN.

Witness as to all the signatures.

GEO. F. FRAHAM, *Notary Public.*

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the twenty-eighth day of August, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state, [G. S.] at the city of Wheeling, this third day of September, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

GREENBRIER LUMBER COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the "Greenbrier Lumber Company," for the purpose of dealing in lumber and manufacturing the various articles made therefrom, which corporation shall keep its principal office or place of business at Lewisburg, in the county of Greenbrier, and is to expire on the first day of September, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said corporation, we have subscribed the sum of five thousand dollars to the capital thereof, and have paid in on said subscription the sum of five hundred dollars, and

desire the privilege of increasing said capital, by sales of additional shares, from time to time, to fifty thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

L. L. Gillespie, twenty (20) shares;

A. C. Snyder, ten (10) shares;

A. F. Mathews, ten (10) shares;

H. A. Holt, five (5) shares;

J. W. Mathews, five (5) shares.

All of Lewisburg, W. Va.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-ninth day of August, one thousand eight hundred and seventy-eight.

L. L. GILLESPIE,
A. C. SNYDER,
H. A. HOLT,
ALEX. F. MATHEWS,
J. W. MATHEWS.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of September, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this seventh day of September, one thousand, eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

ÆTNA COAL AND SALT COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavit, 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 "Ætna Coal and Salt Company," for the purpose of boring salt wells, the manufacture of salt, the manufacture of bromine, the mining of coal and for the transaction of any and all business necessarily connected therewith, or calculated to facilitate the same, including the transportation to market and sale thereof; also for keeping a store of dry goods, groceries and other supplies usually kept in a country store, and for selling the same, said manufacturing establishment to be located on the premises formerly owned by the "Valley City Salt Company," and now owned by E. C. Harpold, located in the town of Hartford City, Mason county, West Virginia, hereafter to be conveyed to this corporation, which corporation shall keep its principal office

or place of business at Hartford City, in the county of Mason, state of West Virginia, and is to expire on the first day of October, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation we have subscribed the sum of forty thousand (\$40,000) dollars to the capital stock thereof, and have paid in on said subscriptions the sum of four thousand dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all.

And 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

E. C. Harpold, three hundred and ninety-six shares;

Rankin Wiley, Jr., one share;

A. Vanoy, one share;

C. L. Harpold, one share;

James M. Harrold, one share;

All of Mason county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this thirtieth day of September, one thousand eight hundred and seventy-eight.

E. C. HARPOLD,
RANKIN WILEY, JR.,
C. L. HARPOLD,
J. M. HARROLD,
A. VANNOY.

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 October, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this second day of October, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

LA BELLE PERPETUAL BUILDING ASSOCIATION, OF WHEELING.

I, Sohieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "La Belle Perpetual Building Association, of Wheeling," for the purpose of raising money to be loaned among the members of such corporation, for use in buying lots or houses, or in building or repairing houses; which corporation shall keep its principal office or place

of business at Wheeling, in the county of Ohio, and is to expire on the fourteenth day of October, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of fourteen hundred and thirty dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and forty-three dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to nine hundred and ten thousand dollars in all.

The capital so subscribed is divided into shares of one hundred and thirty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Robert Cowen, one share;
 W. C. Handlan, one share;
 H. C. Ulrich, one share;
 Charles S. Eschtreoth, one share;
 Oscar Sandrock, one share;
 John Waterhouse, one share;
 Geo. P. Lynch, one share;
 M. Roth, one share;
 Adam Kratz, one share;
 Charles Otte, one share;
 Christian Honecker, one share,
 All of the city of Wheeling, W. Va.

And the capital hereafter to be sold is to be divided into shares of the like amount.

Given under our hands and seals, this thirtieth day of September, one thousand eight hundred and seventy-eight.

ROBERT COWEN,
 W. C. HANDLAN,
 H. C. ULRICH,
 S. C. ESCHTREOTH,
 O. SANDROCK,
 JOHN WATERHOUSE,
 GEO. P. LYNCH,
 M. ROTH,
 ADAM KRATZ,
 CHARLES OTTE,
 CHRIS. HONECKER.

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 fourteenth day of October, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this sixteenth day of October, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

THE CONSOLIDATED VIRGINIA COAL COMPANY OF MINERAL COUNTY, WEST VIRGINIA.

I, Sobieski Brady, 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 Consolidated Virginia Coal Company, of Mineral county, West Virginia," for the purpose of mining coal and other minerals, and the selling and shipping of the same; which corporation shall keep its principal office or place of business in the city of Baltimore, and state of Maryland; and is to expire on the fifteenth day of October, one thousand eight hundred and ninety-eight.

And for the purpose of forming said corporation, we have subscribed the sum of one hundred and fifty dollars to the capital thereof, and have paid in on the said subscription the sum of fifteen dollars, and desire the privilege of increasing the capital by sales of additional shares, from time to time, to three hundred thousand dollars, (\$300,000).

The capital so subscribed is divided into shares of ten dollars each, which shares are held by the undersigned, respectively, as follows, that is to say:

Marshall P. Smith, of Baltimore city, ten shares;

Lewis Mayer, of Baltimore city, one share;

Wm. B. Duvall, of Baltimore city, one share;

Joseph Reynolds, of Baltimore city, one share;

Edward R. Pitts, of Baltimore city, ten shares.

And the capital hereafter to be sold is to be divided into shares of like amount.

Given under our hands, this fifteenth day of October, one thousand eight hundred and seventy-eight.

MARSHALL P. SMITH,
LEWIS MAYER,
WM. B. DEVALL,
JOSEPH REYNOLDS,
EDWARD R. PITTS.

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 October, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twentieth day of November, one thousand eight hundred and seventy-eight.

S. BRADY,
Secretary of State.

JEFFERSON COUNTY BUILDING ASSOCIATION NO. 4.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the "Jefferson County Building Association No. 4," for the purpose of raising money to be used among the members of such corporation in buying lots and houses, or in building or repairing houses, which corporation shall keep its principal office or place of business at Charlestown, in the county of Jefferson, and is to expire on the first day of March, one thousand eight hundred and eighty-nine.

And for the purpose of forming such corporation, we have subscribed the sum of thirteen hundred dollars to the capital stock thereof, and have paid in on said subscription the sum of one hundred and thirty dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to two hundred and sixty thousand dollars in all.

The capital so subscribed is divided into shares of two hundred and sixty dollars each, which are held by the undersigned, as follows, that is to say, one share by each of the following named parties:

Gustav Brown, one share;
 J. Gailand Hurst, one share;
 Richard A. Alexander, one share;
 Eugene Baker, one share;
 Norman F. Henderson, one share;
 All residents of Jefferson county, West Virginia.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands this seventh day of January, one thousand eight hundred and seventy-nine.

GUSTAV BROWN,
 J. GAILAND HURST,
 R. A. ALEXANDER,
 EUGENE BAKER,
 N. F. HENDERSON.

Wherefore, the corporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of March, one thousand eight hundred and eighty-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this ninth day of January, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

INTERNATIONAL MILLING AND MINING COMPANY.

I, Sobieski Brady, 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 "International Milling and Mining Company," for the purpose of mining for silver and other ores, and for leasing, purchasing and holding such real estate and personal property, and doing such other acts as may be necessary in such business, which corporation shall keep its principal office or place of business at Washington City, in the county of Washington, District of Columbia, and is to expire on the ninth day of January, one thousand eight hundred and ninety-nine.

And for the purpose of forming the said corporation we have subscribed the sum of one thousand dollars to the capital thereof, and have paid in on said subscription the sum of one hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one million dollars in all.

The capital stock so subscribed is divided into shares of of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

John J. Jackson, Parkersburg, W. Va., three shares;
 Peter D. Wigginton, Mineral, California, three shares;
 George O. Glavis, New York City, N. Y., two shares;
 Thomas K. McCann, Steubenville, Ohio, two shares;
 Benjamin V. Jackson, Parkersburg, W. Va., two shares;
 Thomas I. Cason, Lebanon, Ind., two shares;
 Edward Jordan, Elizabeth, N. J., three shares;
 John H. Rice, Washington, D. C., three shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this ninth day of January, one thousand eight hundred and seventy-nine.

JOHN J. JACKSON,
 EDWARD JORDAN,
 GEO. O. GLAVIS,
 By John J. Jackson.
 JOHN H. RICE,
 By Edward Jordan.
 BENJAMIN V. JACKSON,
 P. D. WIGGINTON,
 T. I. CASON,
 THOMAS K. MCCANN,
 By Francis M. Schell.

Witness as to all the signatures, Geo. F. Graham.

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 ninth day of January, one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this eighteenth day of January,
 one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

PALM FIBRE COMPANY, OF WASHINGTON, D. C.

I, Sobieski Brady, 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 form a corporation by the name of the 'Palm Fibre Company, of Washington, D. C.' for the purpose of the purchase and sale of patents relating to the manufacture of palm fibre at Washington, District of Columbia; which corporation shall keep its principal office or place of business in the city of Washington, D. C., and is to expire on the first day of January, one thousand eight hundred and ninety-eight.

And for the purpose of forming the said company we have subscribed the sum of four hundred thousand dollars to the capital thereof, and have paid it in full, and desire the privilege of increasing 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:

Silas L. Loomis, three thousand two hundred shares;

Wm. M. Laurance, two hundred shares;

D. T. Jones, two hundred shares;

Chas. A. Metcalf, two hundred shares;

E. J. Pattee, two hundred shares.

All of the city of Washington, District of Columbia.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eleventh day of January, one thousand eight hundred and seventy-nine.

SILAS L. LOOMIS,
W. M. LAURANCE,
D. T. JONES,
CHARLES A. METCALF,
E. J. PATTEE.

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, one thousand eight hundred and ninety-eight, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this fourth day of February, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

FRESH START MINING AND MILLING COMPANY.

I, Sobieski Brady, 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 "Fresh Start Mining and Milling Company," for the purpose of mining and milling silver, gold, and other ores, and for leasing, purchasing and holding such real estate and personal property, and doing such other acts as may be necessary in such business, which corporation shall keep its principal office or place of business at Washington City, in the District of Columbia, and is to expire on the twenty-seventh day of January, one thousand eight hundred and ninety-nine.

And for the purpose of forming said corporation, we have subscribed the sum of one thousand three hundred dollars to the capital thereof, and have paid in on said subscription the sum of one hundred and thirty dollars, and desire the privilege of increasing the said capital, by sales of additional shares, from time to time, to one million dollars in all.

The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say:

Benjamin Wilson, Wilsonburg, W. Va., two shares;
 John J. Jackson, Parkersburg, W. Va., two shares;
 Benjamin Y. Jackson, Parkersburg, W. Va., two shares;
 John H. Rice, Washington, D. C., two shares;
 George O. Glavis, New York city, N. Y., two shares;
 Peter D. Wigginton, Mercer, California, two shares;
 Thomas J. Cason, Lebanon, Ind., two shares;
 Edward Jordan, Elizabeth, N. J., two shares;
 John H. Flagg, Washington, D. C., two shares;
 James H. Rodgers, New York city, N. Y., two shares;
 John F. Wilson, New York city, N. Y., two shares;
 James L. Marvin, New York city, (*New Jersey*), two shares;
 Nicholas Muller, New York city, N. Y., two shares.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this twenty-seventh day of January, one thousand eight hundred and seventy-nine.

NICHOLAS MULLER,
 JAMES L. MARVIN,
 BENJAMIN WILSON,
 JAS. H. RODGERS,
 B. V. JACKSON,
 JOHN F. WILSON,
 JOHN J. JACKSON,
 JOHN H. RICE,
 GEO. O. GLAVIS,
 P. D. WIGGINTON,
 THOMAS J. CASON,
 EDWARD JORDAN,
 JOHN H. FLAGG.

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-seventh of January,

one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state at the city of Wheeling, this eighth day of February, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

HARPER'S FERRY BRIDGE COMPANY.

I, Sobieski Brady, secretary of the State of West Virginia, hereby certify that an agreement duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of the "Harper's Ferry Bridge Company," for the purpose of constructing a toll bridge from the town of Harper's Ferry, in the county of Jefferson, state of West Virginia; across the Shenandoah river, which corporation shall keep its principal office or place of business at Harper's Ferry, in the county of Jefferson, and shall have perpetual succession.

And for the purpose of forming the said corporation, we have subscribed the sum of four hundred dollars to the capital thereof, and have paid in on said subscription the sum of forty dollars, and desire the privilege of increasing said capital, by sales of additional shares, from time to time, to twenty thousand dollars in all.

The capital so subscribed is divided into shares of fifty dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

I. S. O'Donnell, of Harper's Ferry, Jefferson county, W. Va., one share;

George W. Green, of Harper's Ferry, Jefferson county, W. Va., one share;

J. Cavalier, of Harper's Ferry, Jefferson county, W. Va., one share;

Thomas W. Beale, of Harper's Ferry, Jefferson county, W. Va., one share;

G. L. Myers, of Harper's Ferry, Jefferson county, W. Va., one share;

F. A. Kerwain, Harper's Ferry, Jefferson county, W. Va., one share;

James McGraw, of Harper's Ferry, Jefferson county, W. Va., one share;

Martha Walsh, of Harper's Ferry, Jefferson county, 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 nineteenth day of February, one thousand eight hundred and seventy-nine.

J. S. O'DONNELL,
THOS. W. BEALE,
J. CAVALIER,
G. W. GREEN,
G. L. MYERS,
T. A. KERWAIN,
JAMES MCGRAW,
MARTHA WALSH.

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.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-first day of February, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

THE MASSIQUOT CHROME COMPANY.

I, Sobieski Brady, 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 Massiquot Chrome Company," for the purpose of mining, manufacturing and sale of chrome, silver and other minerals, at Rockville, county of Montgomery, state of Maryland, and elsewhere; which corporation shall keep its principal office or place of business at Washington, D. C., and is to expire on the first day of February, one thousand eight hundred and ninety-nine.

And for the purpose of forming said corporation we have subscribed the sum of six hundred thousand dollars to the capital thereof, and have paid in on said subscription the entire sum, viz., six hundred 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:

Chas. D. Maxwell, one thousand shares;
B. F. Rittenhouse, one thousand shares;
John A. Rollings, one thousand shares;
Jas. S. Delano, one thousand shares;
Silas L. Loomis, two thousand shares;

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this fifteenth day of February, one thousand eight hundred and seventy-nine.

B. F. RITTENHOUSE,
CHAS. D. MAXWELL,
JOHN A. ROLLINGS,
JAS. S. DELANO,
SILAS L. LOOMIS.

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 February, one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-seventh day of February, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

VALLEY RIVER BRIDGE COMPANY.

I, Sobieski Brady, 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 "Valley River Bridge Company," for the purpose of acquiring necessary lands, building and keeping in repair a bridge across the Tygart's Valley River, at Grafton, in the county of Taylor, state of West Virginia, and collecting tolls thereon, which corporation shall keep its principal office or place of business at Grafton, in the county of Taylor, and is to expire on the first day of February, one thousand eight hundred and ninety-nine.

And for the purpose of forming the said corporation, we have subscribed the sum of three hundred and fifty dollars to the capital thereof, and have paid in on said subscription the sum of thirty-five dollars, and desire the privilege of increasing the capital, by sales of additional shares thereon from time to time, to twenty thousand dollars in all.

The capital so subscribed is divided into shares of twenty-five dollars each, and are held by the undersigned as follows, that is to say:

1. George Brinkman, Grafton, one share;
2. M. H. Dent, one share;
3. John Dvnan, one share;
4. C. F. Hanshaw, one share;
5. Wm. Jennings, one share;
6. J. A. Grant, one share;
7. T. Kennedy, one share;
8. S. B. McCormick, four shares;
9. Granville E. Jarvis, one share.

10. P. A. Rohrbaugh, one share;

11. A. H. Thayer, one share;

And the capital stock to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this eighteenth day of February, one thousand eight hundred and seventy-nine.

S. P. McCORMICK,
G. E. GARVIS,
P. A. ROHRBAUGH,
A. H. THAYER,
GEO. BRINKMAN,
M. H. DENT,
JOHN DOONAN,
C. F. HANSHAW,
WM. JENNINGS,
J. A. GRANT,
T. KENNEDY.

Wherefore, the incorporators named in the said agreement, and who have signed the same, and their successors and assigns, are hereby declared to be, from this date until the first day of February, one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this twenty-second day of February, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

THE NEW RIVER OIL COMPANY.

I, Sobieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "The New River Oil Company," for the purpose of searching, boring for or obtaining petroleum or other mineral oils, preparing the same for market, refining, transporting and disposing thereof, buying and selling petroleum and other oils, leasing and purchasing lands for the purpose of developing the same for oil purposes, and do such other things as may be necessary to fully carry out the purposes for which this corporation is organized; which corporation shall keep its principal office or place of business at Charleston, in the county of Kanawha, in the state of West Virginia, and is to expire on the first day of January, one thousand eight hundred and ninety-nine.

And for the purpose of forming the said corporation we have subscribed the sum of ten hundred (\$1,000) dollars to the capital thereof, and have paid in on said subscription the sum of four hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to one hundred thousand dollars in all.

The capital so subscribed is divided into shares of twenty-five dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

F. P. Carpenter, of Raymond City, W. Va., eight shares;
 Wm. L. Rosegrant, of St. Albans, W. Va., eight shares;
 A. Allen, of Charleston, W. Va., eight shares;
 Jerome T. Bowyer, of Winfield, W. Va., eight shares;
 John W. Bonner, of St. Albans, W. Va., eight shares.

And the capital to be hereafter sold is to be divided into shares of like amount.

Given under our hands, this third day of February, one thousand eight hundred and seventy-nine.

THOS. P. CARPENTER,
 WM. L. ROSEGRANT,
 AMOS ALLEN,
 JEROME T. BOWYER,
 J. W. BONNER.

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, one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

Given under my hand and the great seal of the said state,
 [G. S.] at the city of Wheeling, this first day of March, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

THE STATE DEMOCRAT COMPANY.

I, Sebieski Brady, secretary of the state of West Virginia, hereby certify that an agreement, duly acknowledged and accompanied by the proper affidavits, has been this day delivered to me; which agreement is in the words and figures following:

The undersigned agree to become a corporation by the name of "The State Democrat Company," for the purpose of publishing a newspaper and carrying on a printing and publishing business, which corporation shall have its principal office in Wheeling, county of Ohio, and to expire on the first day January, one thousand eight hundred and ninety-nine.

And for the purpose of forming the said corporation, we have subscribed the sum of six thousand dollars (\$6,000), and have paid in on said subscription the sum of six hundred dollars, and desire the privilege of increasing the said capital by sales of additional shares, from time to time, to forty thousand dollars in all.

The capital so subscribed shall be divided into shares of one hundred (100) dollars each, which are held by the undersigned, respectively, as follows, that is to say: by

Wm. L. Hearne, four shares;

E. G. Cracraft, four shares ;
 J. H. Good, four shares ;
 Wm. C. Handlan, one share ;
 J. W. Wait, one share ;
 Alex. Updegraff, one share ;
 Chas. H. Deiters, one share ;
 W. N. Curtis, one share ;
 James W. Sweeney, one share ;
 J. A. Miller, one share ;
 J. C. Brady, three shares ;
 A. M. Hamilton, one share ;
 Dana L. Hubbard, trustee, twenty shares ;
 J. C. Brady, trustee, seventeen shares.

All residents of the city of Wheeling, Ohio county, W. Va.

And the capital to be hereafter sold is to be divided into shares of the like amount.

Given under our hands, this seventh day of March, one thousand eight hundred and seventy-nine.

WM. L. HEARNE,
 E. G. CRACRAFT,
 J. H. GOOD,
 WM. C. HANDLAN,
 J. W. WAIT,
 ALEX. UPDEGRAFF,
 CHAS. H. DEITERS,
 W. N. CURTIS,
 JAMES W. SWEENEY,
 J. A. MILLER,
 J. C. BRADY,
 A. M. HAMILTON,
 D. L. HUBBARD, trustee,
 J. C. BRADY, trustee.

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, one thousand eight hundred and ninety-nine, a corporation by the name and for the purpose set forth in said agreement.

[G. S.] Given under my hand and the great seal of the said state, at the city of Wheeling, this eighth day of March, one thousand eight hundred and seventy-nine.

S. BRADY,
Secretary of State.

NOTICE OF DISSOLUTION OF THE "FRANKLIN LODGE
 No. 3, INDEPENDENT ORDER OF ODD FELLOWS."

J. A. R. Morehead, president of "Franklin Lodge, No. 3, Independent Order of Odd Fellows," a corporation created under the laws of the state of West Virginia, do hereby certify that, at a general

meeting of the stockholders of said corporation, held at its place of business, in the city of Wheeling, West Virginia, on the sixteenth day of April, one thousand eight hundred and seventy-seven, a majority of the stockholders and members thereof being present and voting thereon, the following resolution was unanimously adopted:

Resolved, That we, the stockholders and members of "Franklin Lodge No. 3, Independent Order of Odd Fellows," of Wheeling, West Virginia, in general meeting assembled, do hereby agree to discontinue the business of this organization."

In witness whereof, I have hereunto set my hand and the common seal of said corporation, this sixteenth day of April, A. D. one thousand eight hundred and seventy-seven.

A. R. MOREHEAD,
President.

[SEAL.]

A copy—Teste:
S. BRADY,
Secretary of State.

DISSOLUTION OF SMITH & CO.

At a meeting of the stockholders of the corporation of Smith & Co., on the second day of January, one thousand, eight hundred and seventy-eight, there were present John Barton, Ada B. Stevenson, Alfred E. Smith, and A. K. Stevenson, the secretary of the company, the stock being represented comprising a large majority, and there being no president.

On motion of Mr. Stevenson, an election was then held for president, and John Barton having the largest number of votes, was declared elected the president of the said corporation, and accepting the said appointment, took the chair and presided during the remainder of the meeting.

The following resolutions were then by the meeting, more than the one-half of the stock being represented, voting unanimously, passed:

Resolved, by the stockholders of the said corporation, That the business of the said corporation be discontinued, and that the president thereof certify this resolution under the corporate seal of the said corporation to the secretary of state of West Virginia; and that due notice thereof be published six consecutive weeks in the *Daily Intelligencer*, a newspaper published in the city of Wheeling.

Resolved, That all of the property of the said corporation shall be devoted to the payment of the debts and liabilities of the said corporation according to law.

Resolved, That Alfred E. Smith, one of the incorporators, take the possession of the whole property of the corporation and settle the outstanding business of the same, and to dispose of the property re-

maining, for the purpose of paying the debts and liabilities of the same, and then to divide the surplus amongst the stockholders according to their several interests; but in making said settlements said Smith shall make no further binding contracts on the said corporation, but he may use the corporate name in the collection of the said debts, and in settling said business.

There being no further business before the meeting, the same adjourned.

JOHN BARTON,
President.

A. K. STEVENSON,
Secretary.

I, John Barton, president of the corporation of Smith & Co., do here certify to the secretary of the state of West Virginia, that the above and foregoing resolution was duly passed by the said corporation, as above stated.

Witness my hand and the seal of said corporation,

[SEAL.]

JOHN BARTON,
President.

A Copy—Teste :

S. BRADY,
Secretary of State.

DISSOLUTION OF "THE PRODUCERS' TRANSPORTATION COMPANY.

"I, Francis Conway, president of the 'Producers' Transportation Company,' hereby certify that at a general meeting of the stockholders of said company, held at the office of the vice-president, near Volcano, in the county of Wood, and state of West Virginia, pursuant to its constitution and by-laws, on the sixteenth day of May, A. D. one thousand eight hundred and seventy-eight, one hundred and fifty shares of the capital stock, being a majority of the whole number of shares, were represented and voted for the following resolution :

That the business of "The Producers' Transportation Company" be, and is hereby discontinued from and after this day, and that the property and assets of said company, after paying all debts and liabilities, be divided among the stockholders.

Witness the hand of Francis Conway, president of the said 'The Producers' Transportation Company,' and its corporate seal, this sixteenth day of May, one thousand eight hundred and seventy-eight.

[SEAL.]

F. CONWAY,
President.

A copy—Teste :

S. BRADY,
Secretary of State.

BUFFALO MILLING COMPANY—DISSOLUTION.

OFFICE BUFFALO MILLING COMPANY, }
 BUFFALO, WEST VIRGINIA. }

I, L. J. Timms, president of the "Buffalo Milling Company," a corporation created under the laws of the state of West Virginia, do hereby certify that, at a general meeting of the stockholders of said company, held at their place of business in the town of Buffalo, West Virginia, on the second day of November, one thousand eight hundred and seventy-eight, a majority of the stock was represented, and voted for and unanimously adopted the following resolution:

Resolved, That we, the stockholders of the "The Buffalo Milling Company," of Buffalo, West Virginia, in general meeting assembled, do hereby agree to discontinue the business of this organization.

In witness whereof, I have hereunto set my hand, and the common seal of said company, this, the second day of November, one thousand eight hundred and seventy-eight.

[Common Seal.]

L. J. TIMMS,
President.

Attest: L. A. CARR, *Secretary.*

A Copy—Teste:

S. BRADY,
Secretary of State.

APPENDIX.

LIST OF COMMISSIONERS

LIST OF COMMISSIONERS

In other States, appointed by the Executive of West Virginia, from the first day of January, one thousand eight hundred and seventy-seven, to the thirty-first day of December, one thousand eight hundred and seventy-eight, inclusive, with the residence and date of appointment of each Commissioner: also the date when evidence of qualification was filed. The term of Commissioners is for two years.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
Pennsylvania...	Frank C. Fallon.....	Philadelphia.....	January 4, 1877.	February 20, 1877
Colorado.....	E. Walden Brewster...	Denver.....	January 18, 1877.	.....
Illinois.....	Simon W. King.....	Chicago.....	January 22, 1877.	February 2, 1877
Pennsylvania...	John Bellanger Cox...	Philadelphia.....	January 31, 1877.	February 8, 1877
New York.....	Charles Nettleton.....	New York City...	February 1, 1877.	February 14, 1877
Pennsylvania...	H. E. Hindmarsh.....	Philadelphia.....	March 8, 1877.	March 14, 1877
New York.....	James Taylor.....	New York City.....	March 8, 1877.	May 10, 1877
California.....	N. Proctor Smith.....	San Francisco.....	March 9, 1877.	April 2, 1877
New York.....	Charles Edgar Mills...	New York City.....	March 10, 1877.	.....
Massachusetts...	Samuel Jennison.....	Boston.....	March 12, 1877.	March 21, 1877
Maryland.....	Charles P. Montague...	Baltimore.....	March 13, 1877.	March 24, 1877
Pennsylvania...	J. H. Diss Debar.....	Philadelphia.....	March 15, 1877.	.....
New York.....	Henry Bischoff.....	New York City.....	April 2, 1877.	.....
Vermont.....	Charles W. Porter.....	Montpelier.....	April 4, 1877.	.....
Pennsylvania...	Kinley J. Tener.....	Philadelphia.....	April 18, 1877.	April 30, 1877
New York.....	Thomas B. Clifford....	New York City.....	April 19, 1877.	May 5, 1877
Indiana.....	Wm. A. Peelle, Jr.....	Indianapolis.....	April 23, 1877.	April 28, 1877
Georgia.....	B. R. Freeman.....	Atlanta.....	April 23, 1877.	May 4, 1877
Pennsylvania...	Francis C. Fallon.....	Philadelphia.....	April 26, 1877.	April 30, 1877
Pennsylvania...	Joseph S. Perot.....	Philadelphia.....	May 7, 1877.	June 8, 1877
New York.....	Speucer C. Doty.....	New York City.....	May 7, 1877.	May 26, 1877
Pennsylvania...	Joseph Frankish.....	Philadelphia.....	May 18, 1877.	May 23, 1877
Pennsylvania...	John Russell.....	Philadelphia.....	May 28, 1877.	June 13, 1877

LIST OF COMMISSIONERS—CONTINUED.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
Pennsylvania	J. H. Diss Debar.....	Philadelphia.....	June 4, 1877	.....
New York.....	N. Pendleton Schenk	New York City.....	July 12, 1877	August 9, 1877
New York.....	S. B. Goodale.....	New York City.....	July 18, 1877	August 5, 1877
Pennsylvania	Samuel L. Taylor.....	Philadelphia.....	July 19, 1877	July 25, 1877
Pennsylvania	Theodore D. Rand.....	Philadelphia.....	August 27, 1877	August 31, 1877
New York.....	Thomas Kilvert.....	New York City.....	August 29, 1877	September 19, 1877
New York.....	John A. Hillery.....	New York City.....	September 8, 1877	October 1, 1877
Pennsylvania	John Sparhawk.....	Philadelphia.....	September 19, 1877	September 28, 1877
Dist. Columbia.	John C. Starkweather	Washington.....	September 28, 1877	October 8, 1877
Pennsylvania	E. L. Perdriau.....	Philadelphia.....	October 11, 1877	October 31, 1877
Pennsylvania	Edward Stippe.....	Philadelphia.....	November 30, 1877	December 10, 1877
New York.....	Louis Fuot.....	New York City.....	December 3, 1877	January 11, 1878
Maryland.....	John D. Lipscomb.....	Baltimore.....	December 13, 1877	.....
Pennsylvania	J. H. Wheeler.....	Philadelphia.....	December 15, 1877	January 16, 1878
New York.....	Wm. C. McKean.....	New York City.....	December 19, 1877	January 24, 1878
Maryland.....	P. H. Hoffmann.....	Baltimore.....	December 26, 1877	January 5, 1878
Missouri.....	C. D. Greene, Jr.....	St. Louis.....	December 27, 1877	December 31, 1877
Pennsylvania	J. Paul Diver.....	Philadelphia.....	January 4, 1878	January 18, 1878
New York.....	Frank Saunders.....	New York City.....	January 17, 1878	May 2, 1878
Maryland.....	Henry Fry.....	Baltimore.....	January 18, 1878	.....
Pennsylvania	Henry E. Garsed.....	Philadelphia.....	January 26, 1878	February 8, 1878
New York.....	Louis Beckhardt.....	New York City.....	January 30, 1878	March 18, 1878
Massachusetts.	Edward J. Jones.....	Boston.....	February 2, 1878	February 7, 1878
New York.....	John K. Perley.....	New York City.....	February 9, 1878	.....
New York.....	A. Buckingham.....	New York City.....	February 16, 1878	April 3, 1878
Arkansas.....	R. A. Watkins.....	Little Rock.....	February 19, 1878	.....
Ohio.....	Samuel S. Carpenter..	Cincinnati.....	March 16, 1878	March 28, 1878
Missouri.....	C. S. Charlot.....	St. Louis.....	April 1, 1878	April 6, 1878
New York.....	Alexander Ostrander..	New York City.....	April 22, 1878	May 23, 1878
Maryland.....	Charles N. West.....	Baltimore.....	April 29, 1878	May 18, 1878
New York.....	Wm. M. Adams.....	New York City.....	May 6, 1878	May 15, 1878
Illinois.....	Neander N. Cronholm	Chicago.....	May 8, 1878	.....
Connecticut	David G. Gordon.....	Hartford.....	May 18, 1878	.....
New York.....	J. Albert De Con.....	Brooklyn.....	May 23, 1878	.....
Connecticut.....	Francis H. Parker.....	Hartford.....	June 13, 1878	June 17, 1878
Pennsylvania	Thomas J. Hunt.....	Philadelphia.....	June 14, 1878	July 1, 1878
Dist. Columbia.	A. E. L. Keese.....	Washington.....	July 1, 1878	August 7, 1878

COMMISSIONERS.

LIST OF COMMISSIONERS—CONTINUED.

States.	Names of Commissioners.	Residence.	Date of Appointment.	When evidence of qualification filed.
New York.....	Joseph B. Nones.....	New York City.....	August 3, 1878.....	.....
Georgia.....	Wm. B. Adams.....	Savannah.....	September 12, 1878.....	September 28, 1878
New York.....	Moses B. Maclay.....	New York City.....	September 28, 1878.....	October 10, 1878
Dist. Columbia.	M. P. Callan.....	Washington.....	October 10, 1878.....	October 22, 1878
New York.....	Geo. R. Jaques.....	New York City.....	October 28, 1878.....	October 31, 1878
Maryland.....	Henry K. Gregg.....	Baltimore.....	December 2, 1878.....	December 10, 1878
Maryland.....	G. Evett Reardon.....	Baltimore.....	December 6, 1878.....	December 10, 1878
New Jersey.....	Wm. J. Lyon.....	Jersey City.....	December 13, 1878.....	December 21, 1878

TIMES FOR HOLDING EACH OF THE TERMS

—OF—

THE DIFFERENT CIRCUIT COURTS.

TERMS OF CIRCUIT COURTS.

FIRST JUDICIAL CIRCUIT—THAYER MELVIN, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Brooke.....	Fourth Monday in March and fourth Monday in September.
Hancock.....	Third Monday in March and third Monday in September.
Ohio.....	Second Monday in April and second Monday in October.
Marshall.....	Fourth Monday in February and fourth Monday in August.

SECOND JUDICIAL CIRCUIT—A. BROOKS FLEMING, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Doddridge.....	Twelfth day of May and fifteenth day of November.
Harrison.....	Thirtieth day of May and tenth day of December.
Marion.....	Eighteenth day of April and Twenty-eighth day of October.
Monongalia.....	First day of March and first day of September.
Taylor.....	Tenth day of February and twentieth day of September.
Wetzel.....	First day of April and tenth day of October.

THIRD JUDICIAL CIRCUIT—JNO. BLAIR HOGE, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Berkeley.....	Second Tuesday in May and fourth Tuesday in November.
Jefferson.....	Fourth Tuesday in March and third Tuesday in October.
Morgan.....	First Tuesday in May and fourth Tuesday in September.

FOURTH JUDICIAL CIRCUIT—J. D. ARMSTRONG, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Grant.....	First Tuesday in April and first Tuesday in October.
Hampshire.....	First Tuesday in March and first Tuesday in September.
Hardy.....	Third Tuesday in March and third Tuesday in September.
Mineral.....	Second Tuesday in May and second Tuesday in November.
Pendleton.....	Third Wednesday in April and Third Wednesday in October.

FIFTH JUDICIAL CIRCUIT—JAMES M. JACKSON, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Calhoun.....	Tuesday after the fourth Monday in May and Tuesday after the third Monday in October.
Pleasants	Third Monday in April and fourth Monday in November.
Ritchie.....	Fourth Monday in April and fourth Monday in November.
Tyler	Tuesday after the third Monday in May and Tuesday after the second Monday in November.
Wirt.....	First Monday in June and first Monday in December.
Wood.....	First Monday in March and first Monday in September.

SIXTH JUDICIAL CIRCUIT—JOHN BRANNON, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Barbour.....	Twentieth day of April and second day of November.
Gilmer.....	Eleventh day of March and twentieth day of September.
Lewis	Twentieth day of February and twentieth day of August.
Preston.....	Twenty-second day of March and third day of October.
Randolph.....	Eleventh day of May and twenty-third day of November.
Tucker.....	Tenth day of April and twenty-first day of October.
Upshur.....	Twenty-fifth day of May and fifth day of December.
Webster.....	Tenth day of June and sixth day of September.

SEVENTH JUDICIAL CIRCUIT—JOSEPH SMITH, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Jackson.....	First Monday in March and first Monday in September.
Kanawha.....	Third Monday in May and third Monday in November.
Mason.....	First Monday in April and first Monday in October.
Putnam.....	Fourth Monday in April and first Monday in November.
Roane.....	Third Monday in March and third Monday in September.

EIGHTH JUDICIAL CIRCUIT—HOMER A. HOLT, JUDGE.

COUNTIES.	COMMENCEMENT OF TERMS.
Braxton.....	Seventeenth day of March and seventeenth day of August.
Clay.....	Tenth day of March and tenth day of August.
Fayette.....	First day of April and first day of September.
Greenbrier.....	Twenty-sixth day of May and twenty-sixth day of October.
Nicholas.....	First day of March and first day of August.
Pocahontas.....	Twenty-ninth day of April and twenty-ninth day of September.
Monroe.....	Twelfth day of May and twelfth day of October.
Sutawners.....	Fifteenth day of April and fifteenth day of September.

NINTH JUDICIAL CIRCUIT—EVERMONT WARD, JUDGE.

COUNTIES	COMMENCEMENT OF TERMS.
Boone.....	Third Monday in April and third Monday in September.
Cabell.....	Third Monday in March and third Monday in August.
Lincoln.....	Second Monday in April and second Monday in September.
Logan.....	Fourth Monday in April and fourth Monday in September.
Mercer.....	Third Monday in May and third Monday in October.
McDowell.....	Second Monday in May and second Monday in October.
Raleigh.....	First Monday in June and first Monday in November.
Wayne.....	First Monday in March and first Monday in August.
Wyoming.....	First Monday in May and first Monday in October.

I N D E X .

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